



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 20 March 2019

Session 5



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Pàrlamaid na h-Alba

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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
9th Meeting 2019, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Alex Rowley (Mid Scotland and Fife) (Lab)

COMMITTEE MEMBERS

*Annabelle Ewing (Cowdenbeath) (SNP)

*Kenneth Gibson (Cunninghame North) (SNP)

*Graham Simpson (Central Scotland) (Con)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Graham Crombie (Scottish Government)

Graeme Dey (Minister for Parliamentary Business and Veterans)

Gerry Hendricks (Scottish Government)

Dave Moxham (Scottish Trades Union Congress)

George Thomson (Volunteer Scotland)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 20 March 2019

[The Deputy Convener opened the meeting at 09:45]

Decision on Taking Business in Private

The Deputy Convener (Alex Rowley): Good morning, and welcome to the ninth meeting in 2019 of the Local Government and Communities Committee. I remind everybody to switch off their mobile phones.

I apologise on behalf of the convener, James Dornan, who is, I am told, trapped on a train outside Haymarket. That situation is probably not a surprise to most train users.

The first item on our agenda is to decide whether to take agenda item 6 in private. Do members agree to do so?

Members indicated agreement.

Subordinate Legislation

Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 [Draft]

09:46

The Deputy Convener: Agenda item 2 is consideration of a statutory instrument that would give the public the right to request information from registered social landlords and their subsidiaries about public functions that they perform. The committee will take evidence from Graeme Dey, who is the Minister for Parliamentary Business and Veterans; Gerry Hendricks, who is head of the Scottish Government freedom of information unit; Graham Crombie, who is head of policy in the Scottish Government freedom of information unit; and Christine Reay, who is a solicitor in the Scottish Government.

The instrument has been laid under affirmative procedure, which means that the Parliament must approve it before the provisions can come into force. Following the evidence session, the committee will consider the motion to approve the instrument.

The Minister for Parliamentary Business and Veterans (Graeme Dey): I am pleased to speak in favour of the motion.

The order is the third such order to be laid by the Government in the past six years. It will further increase the reach of Scotland's freedom of information legislation, which aims to promote openness, transparency and accountability.

The order proposes to extend freedom of information requirements to around 160 registered social landlords and their subsidiaries. Those bodies undertake key public functions by providing housing accommodation where an RSL has granted a Scottish secure tenancy or a short Scottish secure tenancy. Bringing those bodies within the scope of the freedom of information regime will increase the public's information rights. Once the order comes into effect, the public will have the right to ask such bodies for information under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

Scotland's first order under section 5 of the Freedom of Information (Scotland) Act 2002 brought within the scope of FOI a wide range of arm's-length organisations that were established by local authorities to provide leisure, sporting and cultural services. Evidence from the previous Scottish Information Commissioner, which was presented in her special report to Parliament in 2015, found that request levels had stayed the

same for most arm's-length bodies. The report also found that becoming subject to FOI had not made responding to information requests more or less difficult for the affected bodies. However, the report also noted the importance of allowing adequate time for preparation for designation. It is clearly important to be prepared for the impact of any new regulations from day 1.

I thank the Scottish Information Commissioner for his commitment in offering to support in the coming months the organisations that are proposed for inclusion. Once the order is in force, the Government and the commissioner will closely monitor its impact to inform proposals and preparation for future orders.

I know that not everyone—including some who responded to the most recent consultation—is satisfied with the rate of progress in extending coverage. However, I restate that we are committed to extending coverage. We have said that we will consider whether bodies that provide health and social care functions should be included, and work on that is under way. Last year, the Parliament also agreed that the Scottish Government should consult on proposals to further extend coverage of Scotland's freedom of information legislation—for example, to companies that provide services on behalf of the public sector.

Consulting on proposals for further extension is crucial to the success of further section 5 orders, and my officials are considering options for designating more bodies. I look forward to updating Parliament when we lay a further report on use of the section 5 power later this year.

I ask the committee to support the motion.

The Deputy Convener: Thank you very much. Are there any questions?

Andy Wightman (Lothian) (Green): In your policy note, you say:

"in the interests of transparency and accountability, the Scottish Ministers consider it appropriate that RSLs and their subsidiaries should be subject to the provisions of the Act ... Designating such bodies as Scottish public authorities ... would ... remove the anomalous situation whereby identical services, such as the provision of housing accommodation by a local authority, are already subject to freedom of information legislation."

Private schools already provide statutory education services. Is that an example of an "anomalous situation", given that state schools are already subject to FOI? How far would one take the alleged "anomalous situation"?

Graeme Dey: I will bring in my officials to deal with the specific details of that.

Graham Crombie (Scottish Government): Overall, ministers take an incremental approach

on designation. In the second designation order, which was made in 2016, certain independent special schools were brought within the ambit of FOISA. That was done in order to resolve the perceived anomaly that other special schools were subject to the legislation, but those independent ones were not.

Ministers look at such matters incrementally, and when they are brought to their attention. They carefully consider designating bodies in accordance with the principles that they have already set out.

Andy Wightman: Can we take it as read that the Scottish Government, as a matter of policy, takes the view that such anomalous situations are candidates for FOI extension?

Graeme Dey: We have a programme of further work ahead of us to look at designating other bodies. If Mr Wightman has specific concerns that might influence our thinking, I would be happy to hear from him. If he wants to write to me on that subject, we can certainly take a look at that in the context of that work.

Andy Wightman: Okay. Thank you.

The Scottish Federation of Housing Associations mentioned in its evidence

"other legislation that RSLs will also come under as an unintended consequence of extension."

It mentioned the general data protection regulation in that regard, and highlighted that

"The definition of public bodies given within that legislation is those bodies classed as public authorities under FOISA".

It also mentioned payroll legislation. Again, a "public authority" is defined as a

"Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002."

It said:

"Conversely, the Lobbying (Scotland) Act 2016 will no longer apply to RSLs following extension—as the Act specifically exempts bodies subject to FOI."

There might be other legislative provisions in which public authorities are defined in reference to whether they are covered by FOI legislation.

Have you considered or analysed the impact of those consequences? Have you taken a view on whether it is desirable that RSLs should no longer be covered by the Lobbying (Scotland) Act 2016, for example?

Graeme Dey: Quite an extensive exercise has been undertaken to look at how we can best capture RSLs. All aspects of that have been considered, and we think that we have ended up in the appropriate place. Again, I will bring in an official to respond because, obviously, I inherited the situation when I became a minister. Graham

Crombie will have a more detailed understanding of the earlier process.

Graham Crombie: I will make two points about the pieces of legislation that the Scottish Federation of Housing Associations mentioned. First, those matters were raised with us, and we have considered them and engaged with the federation on them. It would be fair to say that we do not necessarily share the analysis that the federation has arrived at, as set out.

Secondly, those are not unintended consequences of designation, as has been suggested. What happened in each of those cases was that Parliament decided—for example, when it passed the Lobbying (Scotland) Act 2016—to take a particular position in relation to bodies that were or were not designated bodies for FOISA purposes. Those were policy decisions. If Parliament decided that bodies that were subject to FOISA should not be subject to the lobbying legislation, that will have been a consequence of the decisions on lobbying, not a consequence of the decisions on FOISA.

Graeme Dey: The Public Audit and Post-legislative Scrutiny Committee is doing post-legislative scrutiny of the Freedom of Information (Scotland) Act 2002, so if you have concerns in that area, you might want to feed in your thoughts to that committee.

Andy Wightman: It sounds as though I have some work to do.

The Campaign for Freedom of Information in Scotland has drawn attention to the fact that this is the first time that we have designated bodies as public authorities for the purposes of FOI but have further restricted the definition by making reference only to particular functions that those bodies carry out, as opposed to just designating the bodies as public authorities and making them subject to the FOI legislation. Is it correct to say that this is the first time that that has happened?

Graeme Dey: I am afraid that we do not have an answer to that specific question.

I think that you might be getting at the fact that we have looked at specific elements of the activities of RSLs instead of just capturing RSLs in general. For example, there was a concern that we ought to take into account factoring, which has not been covered. Factoring has not been covered because ministers can extend coverage only to bodies that appear to exercise functions of a public nature. The order must say what those functions are. We consulted on whether the provision of factoring services should be one of those functions, and a number of competing arguments were made about whether that is a function of a public nature. After careful and detailed consideration, we arrived at our present

position—we concluded that the provision of factoring services involved a private arrangement between the RSL, as factor, and the owner.

However, that is not necessarily the end of the story where factoring is concerned, because we have noted that certain aspects of factoring that apply to not just RSLs but all factors might be considered to be functions of a public nature, so we could consider consulting on including factoring services more broadly in the future. That option is open to us. Therefore, we could eventually capture factoring services, too.

Andy Wightman: Would one example of that be what has been drawn to our attention by Anne Booth, who lodged petition PE1539? In her submission to the committee, she mentioned that she is factored by a subsidiary of a housing association and that she lives side by side with tenants who are factored by the local authority. As those are similar functions, she feels that the subsidiary should be covered in the same way that the local authority is.

Graeme Dey: Is not her house a private house? I think that that is why there will be competing views on whether such bodies should be captured. I will leave it at that, because I cannot give you a definitive answer.

Andy Wightman: As I understand it, the substance of the Campaign for Freedom of Information's concern is that, because the functions are defined as being limited to those

"for which a registered social landlord has, under the Housing (Scotland) Act 2001, granted a Scottish secure tenancy, as defined in section 11 or a short Scottish secure tenancy as defined in section 34 of that Act",

that will make things difficult for users of the FOI legislation. At the moment, they can request information from the Scottish ministers, their local council or Forestry Commission Scotland, and any information that those bodies hold must be released unless it is subject to one of the existing statutory exemptions, which are now fairly broadly understood. People who want to obtain information from housing associations will now have to interpret whether the information that they seek relates to those specific functions under the Housing (Scotland) Act 2001. Will not having to meet that additional threshold cause confusion and difficulty?

10:00

Graeme Dey: I do not see that it will. On my reading, the approach is simple and straightforward. It is obvious what should and will be available to people to request. The order will further extend the scope of FOI legislation and assist tenants to access information. As with any such measure, we will monitor implementation. If

any difficulty emerges, we will take it on board, but I do not expect that in this instance.

Andy Wightman: Are you wedded to the notion that the order will come into force on 11 November 2019? The SFHA has referred to the need to consider staffing, training, systems, procurement and legal advice. A lot of work will need to be done by bodies, many of which are small, to comply with the FOI legislation.

Graeme Dey: The answer is yes. The order is not a surprise to RSLs; everyone has known for a considerable time that the measures are coming in. Over an extended period, we have engaged with RSLs, some of which have expressed concerns, and we have engaged with the Scottish Information Commissioner, whose view is that the nine-month period is perfectly workable. I am grateful that he is going to engage with RSLs in order to assist them. Nine months is an appropriate period to prepare for the measures and hit the ground running.

Graham Simpson (Central Scotland) (Con): The minister is right that RSLs will have seen the order coming. According to the Campaign for Freedom of Information, it has taken 17 years to get to this point.

I will go back to the factoring argument, which is about subsidiaries of housing associations. If I was a housing association tenant—*[Interruption]*—I am sorry; I am not sure why Mr Wightman is waving at me. If I was a tenant of a housing association that also provided my factoring, why would I not be able to make a freedom of information request about the factoring services that my landlord offered?

Graeme Dey: The simple answer is that the order does not cover factoring.

Graham Simpson: Why not?

Graham Crombie: This might help to clarify the position slightly. Factoring services are provided to home owners but not to tenants. A registered social landlord manages housing accommodation for its tenants in the same way as any other landlord manages that, but for historical reasons, some housing associations and other registered social landlords also provide factoring services to private home owners—typically, they are people who exercised the right to buy, so their properties were tenanted once upon a time, but are no longer. That is why a factoring relationship rather than a landlord-tenant relationship exists. There are two separate relationships—one is between the RSL and its tenants and the other is between the RSL and the people who purchased their properties and are now home owners.

Graham Simpson: Graeme Dey said that the Government is minded to extend the FOI

legislation to factors. Would not doing that under the order be a start?

Graeme Dey: I said that the option exists to do that further down the line, but the approach would have to be applied consistently and not targeted simply at RSLs. Factoring would be looked at across the board.

Annabelle Ewing (Cowdenbeath) (SNP): The session has been useful, because it has clarified a number of important issues. It has also flagged up the point that the measures have been under discussion, one way or another, for a considerable time. If the mood is for extending the legislation, perhaps to get on with it should be the recommendation.

I understand from my committee papers that the Scottish Information Commissioner supports the order. Will you confirm that, for the record?

Graeme Dey: The Scottish Information Commissioner supports the order and the nine-month period. As I said, he is also committed to working with RSLs to prepare them for the commencement date.

Annabelle Ewing: Thank you. I understand that the SFHA also supports the order. If that is the case, given the time lag, my inclination is that we should just get on with it. I imagine that any changes to FOI legislation involve reflection, consideration and consultation, and are incremental. That is the nature of the beast. The order falls very squarely within that process, so I support just getting on with it and extending the legislation.

Graeme Dey: I am grateful for that view. Just to give an illustration that might support your interpretation of the situation, I stress that we have gone through an extensive process before arriving at this point. Two consultation exercises on the order were carried out—with stakeholders and with other individuals who had an interest in it. There was further extensive engagement with stakeholders beyond that, to the point at which we felt that we have an order that is right, appropriate and proportionate and on which we were good to go, subject to the committee's approval.

The Convener: Do members have any other questions?

Alexander Stewart (Mid Scotland and Fife) (Con): There is no doubt that freedom of information has moved on from its starting point, to the extent that it is now an industry. In many respects that is a good thing, because individuals and organisations have the chance to engage with others and to obtain information that they want. However, the order will have resource and cost implications. Have estimates been done of what

the add-on factors might be, and of their consequences?

Graeme Dey: I will come back to the point about costs. First, I will pick up on the point about the development of FOI. Some people have been frustrated about the pace of that in Scotland—for example, as I said earlier, the order that is before us is only the third one to have been introduced in six years. From a layman’s perspective, I understand such frustration. However, over the past few months I have come to learn how freedom of information legislation works and what its requirements are.

If I might offer a bit of perspective, I note that the United Kingdom legislation on FOI came in two years before Scotland’s did, and in that entire period, the UK Government has designated just six bodies. The UK Information Commissioner has been very critical of that lack of pace and has contrasted it unfavourably with what has happened in Scotland. The process—the Public Audit and Post-legislative Scrutiny Committee might take a view on section 5 of FOISA—can appear to be time consuming and a bit cumbersome. However, we in Scotland are going faster and have more ambition to build on our process than our colleagues elsewhere perhaps do.

Gerry Hendricks might have information on costs.

Gerry Hendricks (Scottish Government): When we have carried out reviews of orders we have not seen significant increases in the number of requests to other organisations: request levels have tended to stay the same. There has not been as great an impact as we had expected.

The Scottish Information Commissioner intends to support organisations through training and general advice. We are providing funding to the commissioner to support that element of the work.

Alexander Stewart: Such continuity is vital, so that organisations have sufficient support, training and mechanisms to ensure that they can impart information, because those who seek it want the process to be transparent and the information to be passed to them as quickly as possible. In the past, there have been log jams and difficulties because there have not been enough personnel to manage such situations.

Minister, I look forward to seeing what progress will be achieved in the sector. As you have rightly identified, there is scope for development. We now have an opportunity to see where we are. In the next year or two, we will have clarity about what the knock-on effect has been. Do you plan to come back after that and give us information on how things have progressed against the various timescales?

Graeme Dey: On Gerry Hendricks’s point about experience, other organisations that have been captured by FOI have not reported massive upsurges. Perhaps the organisation with the largest upsurge has been the Scottish Government. We cover a far wider range of activities than the other bodies that are captured, and we attract requests from journalists and political researchers, as well as from the public. I suspect that RSLs and others are not necessarily in that category, and that it will, largely, be their tenants who are interested in securing information.

I will provide a bit of detail about what we are looking to do in the future. As was flagged up in 2017, we are engaging with a number of organisations, including Audit Scotland and bodies that deliver health and social care functions. We are also looking at charities that provide services of a public nature. That process is on-going. It will follow the normal procedures, so I am not about to tell you that it will all be done very quickly.

Getting into those landscapes will be far more challenging than what has been done thus far because of the sheer volume of bodies that will be covered and their varied functions. I say that not to get the excuses in early, but in recognition that it will be challenging. We are committed to progressing in those areas in an appropriate and, as I said before, proportionate way that follows the proper processes. Rest assured that the Government’s direction of travel is to expand the reach of FOISA and give the public greater access to information.

The Convener (James Dornan): There are no further questions from members. Before we move on, I apologise for being late and thank Alex Rowley for standing in for me.

Agenda item 3 is formal consideration of motion S5M-15924.

Motion moved,

That the Local Government and Communities Committee recommends that the Freedom of Information (Scotland) Act 2002 (Designation of Persons and Scottish Public Authorities) Order 2019 [draft] be approved.—
[*Graeme Dey*]

Andy Wightman: I will vote for the motion today. However, compared with previous FOI extensions, it raises some distinctive challenges, as it is restricted only to those public authorities in so far as they carry out certain functions.

I am pleased that the information commissioner supports the extension—his advice carries weight in our deliberations. However, I am acutely aware that some of the relevant organisations are among the smallest public authorities in Scotland. Therefore, I would be keen for the minister to confirm that he will keep the implementation under close scrutiny, take account of any concerns that

come forward from requesters of information, RSLs, the information commissioner and others, and be open to amending the implementation date or the order in the light of experience.

I note that we are in a strange place in that we passed the Housing (Amendment) (Scotland) Act 2018 just last year—this committee scrutinised it—in which we categorised RSLs as private organisations and made sure that they were not considered to be public authorities for the purposes of debt. We are now saying that RSLs are public authorities for the purposes of information. In principle, I have no problem with that, but it creates a rather odd situation that might come back to bite us one day.

I would be grateful for the minister's comments on providing assurance about keeping implementation under scrutiny and making sure that it takes place without any problems.

Graeme Dey: I have two points in response. First, there will be a review in November 2020 of how the implementation has taken place. Secondly, we intend to stick to the nine-month period and I do not envisage us moving away from that, as it will not be necessary. My understanding is that a lot of work has been done in the sector to prepare for implementation and a lot of support has been offered. In the meantime, I will have my ear open to any legitimate issues that are aired.

The Convener: The question is, that motion S5M-15924, in the name of the Minister for Parliamentary Business and Veterans, be agreed to.

Motion agreed to,

That the Local Government and Communities Committee recommends that the Freedom of Information (Scotland) Act 2002 (Designation of Persons and Scottish Public Authorities) Order 2019 [draft] be approved.

The Convener: The committee will report on the outcome in due course. I invite the committee to delegate authority to me, as convener, to approve a draft of the report for publication. Do members agree?

Members indicated agreement.

The Convener: I will suspend briefly to allow the minister to leave and for a changeover of witnesses.

10:15

Meeting suspended.

10:17

On resuming—

“A Volunteer Charter: 10 Principles for assuring legitimacy and preventing exploitation of workers and volunteers”

The Convener: Agenda item 4 is consideration of “A Volunteer Charter: 10 Principles for assuring legitimacy and preventing exploitation of workers and volunteers”. The charter was written by Volunteer Scotland and the Scottish Trades Union Congress and launched at the Scottish Council for Voluntary Organisations “the gathering” event in February 2019.

I welcome to the meeting George Thomson, who is the chief executive of Volunteer Scotland, and Dave Moxham, who is the deputy general secretary of the Scottish Trades Union Congress.

I will start with a question. What are the main differences between the new charter and the previous version? Why has the charter been updated and what is the “new context” that is mentioned in the charter?

Dave Moxham (Scottish Trades Union Congress): I can speak a little bit to the context and George Thomson can talk to the detail.

From our point of view, it is generally accepted that the world of work is changing, to some extent. The headlines on that are about the new gig economy and the forging of new relationships between the worker and the client—for want of a better term. There is also a blurring between work and free time. Some of us are guilty of doing that by looking at our phones every other minute to write an email when we should be relaxing. There are other examples of that, such as when company time starts to reach into the free time of an individual, which is sometimes freely given, but sometimes is not.

Over more than a decade, we have developed our idea of employability. There is a view, and cases are being made, that there is an increased responsibility on the individual to make themselves work ready. We argue that that has gone a bit too far, and that there should be more responsibility on the employer to bring on, develop and support people into employment. There is definitely a changing context.

We first wrote the charter at a time of contracting public spending—arguably, we are not out of that situation yet. The trade union movement was particularly concerned about the organised replacement of paid labour by volunteers, particularly in public service. To be fair,

that was taking place at a more accelerated rate down south than it was here but we definitely saw some examples of it. There were suggestions that volunteer labour might be used during industrial disputes to replace paid labour, which we argue would be strikebreaking; as a matter of democracy, we were concerned about that as well.

That was all in the context of the trade union movement embracing volunteering as a positive thing. We are an organisation that is populated by probably 20,000 volunteers—people in Scotland who have some sort of position that makes them a named volunteer. A large number of other people are involved, too.

We want to be sure that all the positives—frankly, the beauty of volunteering—can be preserved and not contaminated because of genuine concerns from workers that their work could disappear as a consequence of the wrong application of volunteering.

George Thomson will talk about the specifics, but our particular aim in updating the charter was to move on from those earlier concerns to look at some of the new forms of work and how we might protect volunteers and workers in that context.

George Thomson (Volunteer Scotland): A different emphasis in the new charter is the question about what legitimate volunteering is. Over the 10 years since the first charter, different voices have come into this discussion in a more contested space. Young volunteers have come to us and said, “We are challenging this—we do not see what we are doing as legitimate volunteering.” That inspired us to revisit and strengthen the charter, and to provide a process that people can work through, looking at different stakeholders. It is about having a consensus that volunteering opportunities are legitimate. That is a key difference.

The charter has been strengthened somewhat, but it is largely based on what we had 10 years ago. It mirrors the Trades Union Congress charter that operates in England and Wales; there is one in Northern Ireland, too.

Another difference in the new volunteer charter is that, as well as showing what we do not want—circumstances that we would like to avoid—there is a positive picture about what we want. That is quite significant from the point of view of helping to project a different picture about what volunteering is, based on the evidence that it is largely a social networking, participative, helping-out activity.

I think that we have all fallen into the trap of overidentifying volunteering with formal roles—the transactional type of volunteering, which we know and love. We are looking at it from the unsung hero perspective, rather than seeing it for what it largely is. That poses quite a major challenge for

us all, especially with regard to having an inclusive growth agenda and the benefits of a more participative society.

The charter is an invitation to evolve and to look at not just what is legitimate but why so many people are not engaged. We need to look much more closely at those people and their circumstances and find out how we can bring about a more participative society in Scotland.

The Convener: I am glad that you mentioned that latter point. Is there not a fear that such a charter might put people off volunteering, unless you can sell the positives of volunteering? As you said, quite rightly, to an extent it is about what we do not want volunteering to be.

George Thomson: There is strong evidence about the views of those who are least involved. At the moment, the sad statistic is that more than half of Scotland’s population say that they have never been engaged in any volunteering. When they are then asked what volunteering is, people tend to refer to the formal type of role, which they do not find attractive; that is especially true of those who are the least engaged and are in more difficult circumstances. The idea of doing unpaid work, taking on shifts and so on, is just not attractive to them.

From that point of view, volunteering gets a bad name rather than being seen as something that is much more social, engaged and friendly; as we know, volunteering brings about friendship building, solidarity and many other benefits. It is up to us to change the narrative and how we communicate with and listen to people so that we embrace their terms and meanings in their contexts rather than impose our notion of what volunteering can do for them.

The Convener: I accept that. I suspect that many people volunteer without realising that that is what they are doing. Running a football team, for example, would be part of the volunteering process; I give that example as somebody who did that for many years.

George Thomson: Do you mind if I challenge that notion? We tend to use that idea as a bit of a get-out-of-jail-free card. We sometimes say, “We know that it is not all about formal volunteering, but when we look at what we are not capturing, we see that a lot more is happening.” The Scottish household survey does not ask anyone whether they are a volunteer; it asks them whether they are participating in a wide range of things. That is a significant piece of research, which gives us a great understanding about what is and is not happening. Largely, we have a disengaged population at all levels of activity.

The Convener: Yes. I am sorry; I was talking not about the information that you have gathered,

but about the individual not recognising the fact that they are involved in volunteering.

George Thomson: That is true. That is a different thing.

Graham Simpson: Who is the charter aimed at?

Dave Moxham: It is aimed at all potential parties in the volunteer transaction, for want of a better term. From George Thomson's point of view, it is aimed at the organisations that Volunteer Scotland engages with, which provide volunteer opportunities.

I imagine that the charter would also be aimed at all organisations that seek to promote community empowerment, so that we can begin to understand volunteering in terms of the collective activities that people undertake voluntarily in order to change and improve their circumstances. As George Thomson said, there are areas of society that are currently less likely to engage in community activity and volunteering—working-class communities, for want of a better term.

From our point of view, it is about empowering unions to engage formally in discussions. Nothing is ever resolved by a bit of paper; it is resolved only by using a bit of paper to empower people to have positive discussions rather than defensive discussions about the issues that they might face.

Increasingly, we engage with young people who are not yet part of the formal trade union movement through campaigns such as better than zero. We are having a different discussion in Scotland than in the rest of the UK. We are discussing with young people the nature of work, their expectations of work and how that fits with their sense of themselves in wider society. The charter provides something to have a discussion around. As I say, "It ain't a contract—there's no such thing as a contract", but it is a tool for all those players to use so that they have the right discussions about volunteering and how it interfaces with paid work.

George Thomson: The launch of the charter at the SCVO gathering was nearly a sell-out—about 80 people came and they represented all the different sectors. At the launch, the Scottish Countryside Rangers Association spoke about how the charter would be a highly relevant document for processing its dilemmas about how volunteer rangers fit in alongside professional rangers.

That stood out for me as a perfect example of how the charter could be applied. In that context, there is no black-and-white answer but there are real concerns about, for instance, 37-hour, seven-month posts being advertised as volunteer positions. The association is grappling with the

decision makers to get the right balance between the volunteers and the professionals, and it has publicly stated that it would use the charter as a means of assisting it to do that.

Andy Wightman: The charter refers to "volunteering based on the United Nations definition".

It goes on to say:

"We envisage that this Charter will be most relevant in formal service"

—for example, where people are on the board of a charity or something like that. What would you define as "formal service"?

10:30

George Thomson: It would be more like the ranger example that I just gave. Someone would have almost a contractual role as a volunteer ranger with training and responsibilities, set times and so on—that would be the formal service. It could cover all the elements that are typically involved when people work in befriending or in charity shops, or as drivers or sports coaches. In all those roles, the person would clearly know that they were a volunteer—they would describe themselves as a volunteer swimming coach, for example, and that would be a formal service activity.

We are trying to get across the point that we have become fixated on such roles, which make up a minority of volunteer activities, rather than looking at people who are helping out and at the less formal roles for which we need to engender much more support.

Andy Wightman: The charter says that it "will be most relevant in formal service volunteering contexts".

George Thomson: The reason for that is that the contentious issue of displacement relates mostly to unpaid-work type positions. The charter is most relevant in that area as it can guide people in deciding whether a role is legitimate or whether it could be criticised because it displaces somebody who was previously a worker in that setting.

Andy Wightman: In a sense, therefore, that statement is not targeted at volunteering as a whole—instead, it is about focusing on where problems have occurred and trying to resolve them.

George Thomson: In many respects, it is. However, as I said earlier, the charter is about what we want as much as what we do not want. It is about trying to project a focus on growth and inclusion. For example, can it help us to shift our way of thinking to be more expansive as well as

protecting workers and volunteers from exploitation where that might be a risk?

Andy Wightman: The charter refers to

“formal service volunteering contexts ... such as recruitment, management, induction”.

Those are areas in which there have been legal challenges and conflicts. Can you say a bit more about the nature of those legal challenges, or give some examples?

Dave Moxham: Yes. My examples will not be very specific, but I hope that they are specific enough to enable the committee to elicit the necessary information.

Where a person enters into a voluntary relationship with somebody who acts as an employer and contracts—although it is not an employment contract—to do some work, questions can arise, and they have done, about whether that essentially evades minimum wage legislation. That person is being asked to work a number of hours without being paid, and they are voluntarily agreeing to do so. That agreement does not necessarily make an employer or an authority exempt from a range of employment legislation, the most likely being minimum wage legislation.

Where we have been able to identify that such an arrangement cuts across minimum wage legislation and that a breach may be taking place, we have tended to use that as a way to, shall we say, discourage what we consider to be a bad volunteering situation. In a sense, the charter would, if it was adhered to, make such a situation safer; fewer employers who contract with voluntary workers would be likely to fall foul of minimum wage provisions or other employment legislation.

Andy Wightman: Have there been any legal challenges that have led to a resolution in law?

Dave Moxham: There have been companies that have decided to stop doing what they are doing as a consequence of legal letters and approaches.

Andy Wightman: But no cases have actually come to court.

Dave Moxham: No. In addition to volunteering, practices such as trial shifts sit in a legislative grey area. Trial shifts are a good example. There is an understanding that, in an extreme example, a free trial shift would fall foul of legislation, but there is no definition of how long such a shift should be. Stewart McDonald, the member of the UK Parliament for Glasgow South, tried to introduce legislation in Westminster to clarify the situation.

Volunteering is similar, in the sense that there are not a lot of test cases out there. There is a general understanding of the risk that bad

volunteering runs, but there are no test cases that I am aware of.

Andy Wightman: Your engagement with people who employ volunteers has led to their stopping doing things that they probably should not be doing. Do you envisage that the charter could develop into an accreditation scheme? Like the Living Wage Foundation living wage employer accreditation, you could have a Volunteer Scotland volunteer employer accreditation.

My daughter volunteered for Celtic Connections, where she looked after artists and did other stuff but was not paid for doing so. Many young people volunteer for music festivals and such events. They will be fed and watered—they might even get accommodation, but that is rare. They also get a free ticket for the rest of the weekend. Is that situation a bit of a grey area in compliance terms? Would an accreditation scheme help to deliver the charter?

George Thomson: We certainly use the online national volunteering database as a form of accreditation. We ask any organisation that wants to promote its opportunities to agree to the charter's principles.

We see the charter as a guide and a process for looking at an employer's motivation. If the motivation behind a role is clearly to do with fundraising and providing mutual support, that will not be an issue. However, if the motivation—it does not matter who it is, and it can change—is to avoid paying for somebody when providing a wage would be a better approach, that would raise questions about the role's legitimacy. We cannot really foretell what the circumstances are. It becomes a matter of trust between the different parties when looking at that question.

In the past period, a lot of interest has come from outside the normal quarters. We have been looking at companies' opportunities and asking them why they are not paying for a role when they paid for it the previous year. We have also been asking why a company would set up more than a hundred volunteer opportunities when those roles were previously paid for.

Andy Wightman: That would be a clear breach of principle 5 of the charter.

Dave Moxham: Yes.

Andy Wightman: Such a breach can be well evidenced.

George Thomson: Yes.

Dave Moxham: On the extent to which the charter is a standard or a mechanism, I will make a comparison with the fair work framework. It would be very clear if certain aspects of the framework were breached. We are looking for

public service employers and other employers. Many have to adopt the fair work framework, because it outlines a number of ways in which we think that public authorities and other employers should act. That is not as enforceable as something that would sit under the black and white of procurement legislation, or anything that would be covered by employment law. However, it is legitimate to ask anybody who offers volunteer opportunities why they have not adopted the charter and whether they believe that they can legitimately say that they are offering volunteer opportunities if George Thomson's organisation and my organisation, on the back of the charter, have not said that they are.

The charter is short of a rule-making mechanism, but it is useful in asking people increasingly to adopt it as a way of judging whether their opportunities are significant.

George Thomson: I have a positive example. Stirling Council has set a very ambitious target to achieve a 50 per cent participation rate, which is a significant move; it already has a rate of 36 per cent. The quintile 1 areas have a particularly low rate, which is down at 16 per cent. The council has made a big commitment and it is working hard strategically to look at ways of reaching the target. It has signed up for the charter on the basis of establishing trust between all the parties that its motivation is not to come in and take a displacement approach.

There can be distrust. Why would a council be trying to develop more volunteering? Is it just a means of saving money while the council is in financial difficulties? Signing up to the charter can also be used at the outset of the process to say, "We are buying into this; this is where we are coming from. We are building trust and we will work on a variety of ways in which volunteering can manifest itself. We will not fall into the trap of looking at volunteering as a displacement activity."

Dave Moxham: Andy Wightman mentioned specific events such as music festivals, which are an interesting example for us.

The principle is that lot of people—largely, although not all of them, young people—enter into an arrangement, for want of a better term, whereby they might get transport and free access to a gig in return for two eight-hour shifts over a period of two days. From our point of view, the fact that the individual concerned has voluntarily consented to that arrangement does not obviate the examination of further issues. If we saw a large profit-making company with a questionable ability to describe itself as simply undertaking that function for the public good, because it is making a profit, we would still say that there are questions to be asked of that company and that there could still be circumstances under which it could fall into the

grey area of the law that we talked about earlier. There needs to be discussion about that.

We think that the charter would come in useful in a different situation, in a context such as the Commonwealth games. George Thomson will be able to tell me how many people volunteered to work at the Commonwealth games.

George Thomson: It was 13,000.

Dave Moxham: I knew that it was in double figures of thousands, but I thought that I might be guilty of exaggerating.

Is the situation the same in all circumstances for a large, money-making, commercial festival that chooses to employ its bar workers through a voluntary mechanism? We would say that it is not necessarily the same. There are things in the charter about profit, the common good and motivation that will allow that question to be explored. We think that that is really important.

George Thomson: A good example that could be used to illustrate those points is the Ryder cup. It was a great volunteering experience, but some roles, such as shop assistants, were volunteers. Those shop assistants were selling merchandise, which would breach the eighth principle of the charter.

We are closely involved in supporting the Solheim cup, which is coming up in September, and it is good to be able to say that that practice has been stopped. There has been a shift to saying that that is not the right kind of activity for volunteers, but the Solheim cup will continue to have volunteer stewards and there will be a big youth engagement. The tournament will be more inclusive than it was before. A lot of good changes are being made, and that is a specific example of how the charter shows that it is not acceptable to have a volunteer worker selling T-shirts and merchandise for private profit in such a context. That principle has been accepted.

The Convener: Alex Rowley wants to come in here.

Alex Rowley (Mid Scotland and Fife) (Lab): Nobody would really disagree with the principles of the charter, but I want to raise a couple of points with you. You talked about displacement. If you look at what has been happening in many local authority services in recent years, you see that the biggest cuts have been in areas such as the local environment. Most parks departments in most local authorities will have taken massive cuts in the number of workers that they have, and you can see that across a range of areas. Is not the danger that, as the gaps appear in public services, they are increasingly being filled by volunteers, who are indirectly filling those jobs?

On the deal for the volunteers themselves, you talk about effective structures being in place to support, train and develop people. Should volunteers in large organisations have rights so that they understand clearly what they will get from the process, such as employability and skills?

10:45

Dave Moxham: Shall I do the first bit and George Thomson can do the second bit?

George Thomson: On you go.

Dave Moxham: The risk that Alex Rowley referred to exists; he and I—and most of us—are long enough in the tooth in local government to know that local services sometimes disappear because of budget cuts. Alex Rowley and I have witnessed circumstances in which, to fill a gap, communities have got together and worked to replace a service.

A definitive view on whether a community that was left to its own resources—because of what we would argue were bad budgetary and fiscal decisions—should be able to do anything about that by creating a new facility and working together, would be well beyond the charter's realms. We should remember that aspects of the charter were developed in 2009 and 2010, when ideas were being promulgated as policy about how sections of public service should no longer be funded because the responsibility should be passed to the community. That is a slightly different thing.

I make no comment on the decisions that councillors, councils and other public service providers must make when a service is cut, but supporting community resilience when that happens is different from basing strategic and budgetary decisions on the policy view that some services should not be funded. It is a bad idea to decide no longer to provide libraries because the community can provide them. However, if a service goes and the community decides, and is supported in some way, to make alternative arrangements, the idea that that should not happen would be beyond the charter's practice and scope.

George Thomson: My view differs slightly from David Moxham's. I will go back a few years. I remember having a conversation with the Carnegie UK Trust about why some library closures generated trust and resolution while others led to conflict, protest and difficulty. We did not really have an answer, but we guessed that the circumstances were affected very much by motivation, the information that was shared and the different negotiations that were at play. I would like to think that the charter is a guide for

negotiations as much as anything, rather than a black and white matter.

It is legitimate for protests to continue because people do not want a library to close and it is legitimate for some people to want to play a role. In an Ayrshire library, a group of 20 volunteers provide all the information technology help for people who come in to use computers. Mutuality can be found; it is a matter of working through the reality of the circumstances that we are in, building trust between workers, volunteers and other players and finding the right resolution. We should not fall foul of the temptation of thinking that we could save money on wages by transferring a service; that is when people would conclude that the approach was not legitimate and would not accept it. That is a grey area.

Alex Rowley: My other question was about whether volunteers should have a right to, for example, an individual learning or training plan?

George Thomson: We recognise the need for good treatment, support and safety—we absolutely agree with that. However, the word "rights" is emotive. Given where I come from, I would avoid the temptation of talking about volunteers' rights, because that would move us into the territory of seeing volunteering as an unpaid work paradigm, whereas the vast majority of us volunteer in a helping-out context, as I said. Rights do not quite work in that sense. Taking good care of volunteers, providing good management and following good practice with them are essential, but I would not move into rights, per se.

Annabelle Ewing: Good morning, gentlemen. I will pick up on the broad area of potential gaps in state provision. The other Saturday, I happened to visit an open day coffee morning of the Cowdenbeath food bank, which—impressively—has some 30 volunteers. Their activity is very much in the helping-out vein—where there is a failure in the safety net of the social security system of the state—that George Thomson spoke about. It is very much helping-out activity that goes on there and I pay great credit to all those who are involved.

On promulgation of the charter, what do you envisage in terms of information and awareness raising for volunteers, those who will have volunteers working alongside paid workers, and paid workers who are in employment? How do you see the charter being rolled out in a way that makes people aware of it? It is all very well for it to be there, but it would be a pity if people were not aware of it.

I used to sit on the Parliament cross-party group on volunteering, and it occurs to me that the charter could be a recruiting sergeant for

volunteers—to use that phrase—because it is taking the debate on a bit, raising interest and setting parameters within which activities can be performed. Do witnesses have any thoughts on that?

George Thomson: We are delighted that, any day now, your own Cabinet Secretary for Communities and Local Government, Aileen Campbell, will launch a new volunteering outcomes framework. Its key phrase is “volunteering for all” and much of what we have been saying here is absolutely coterminous with that. The framework is part of a real effort towards a shift in mindset and activity and it will be a good shot in the arm. Within that, the charter is an enabling type of support.

The charter has generated a lot of connections with us. Just the other day, Volunteer Glasgow discussed it with its constituency and offered to work with us to generate more case studies. That will be an important part of sharing it. The principles are there, but how do we bring the charter to life? We can do that by giving examples of different settings and of how the principles have been fallen foul of in some cases and applied in others.

You are absolutely right. In a sense, encouragement of the committee is part of what you asked about, as you are giving us feedback on the charter’s value. We will absolutely have plans in place for putting it out there over the next year and fitting it in with a number of different things. The gathering 2019 was a major launch pad and got a good bit of coverage.

Dave Moxham: There is a point about structural influence and promoting the charter through the structures. It is worth pointing out that Volunteer Scotland is the portal for an awful lot of volunteering opportunities. The simple fact that Volunteer Scotland exists and that organisations already refer to it is a fairly big factor with regard to the charter’s use.

Obviously, we will promote the charter—in a positive way, as has been suggested—so that our branches ensure that those organisations with which we interface with employers are aware of it. Going back to the convener’s point about ensuring that people know that they are volunteering, all the people who were involved in the discussions to do with the interface between volunteering and work realise that they are volunteers and doing valuable work. We would like to promote that.

We also undertake an extensive range of school visits from a trade union point of view through which we talk about the nature of work and rights and responsibilities at work. We will incorporate the charter into those visits, so that young people hear from trade unionists about the positive value

of volunteering. That is particularly important, because there is, in some cases, a growing expectation that young people will somehow present themselves as work ready before they have even had a job.

My daughter, of her own volition, decided to work in a charity shop on a Saturday morning. That was great. She wanted to do that partly because she supported the charity, but she was also acutely aware that doing so would not be unhelpful to her when she went for her first university interview and job interviews. It is really important that we get this right for young people as they consider the interface between their voluntary activities and work. There is stuff that we can do on that.

We would also like to promote the charter through local authorities and people who are writing up contracts, particularly contracts for events, so that when they are writing up procurement contracts that include community benefit—some of which will be really important—there is a clear understanding of what community benefit means for the volunteer and the wider community. Contracts for major events have to be written in such a way that they are consistent with the charter.

Annabelle Ewing: That is very interesting. What about businesses? It is important that the Federation of Small Businesses and other larger business organisations are aware of the paid worker aspect. Are there plans afoot for that engagement? Perhaps it has already taken place.

Dave Moxham: There are now. Thank you for mentioning that.

George Thomson: As long as I have been involved in this work, we have spoken about employer-supported volunteering. It is a bit of a sleeping giant. The problem is that the facts show that very few people source their volunteering activity with the help of their employers. The main reason why people take a break from or stop volunteering is the time pressures on them, so we have a lot more to do to get commercial employers to embrace the common good agenda and think about how they can facilitate more time for their workforce to take part in community things, which would allow us to move away from the “Challenge Anneka”-type activities, which are all too common. I am talking about team events such as painting classrooms.

Unfortunately, too much of the thinking is based on that approach rather than a more modern approach to engagement. I think that we have a big job to do to shift that thinking. The charter is an aid for commercial companies when looking for volunteers, such as for festivals and other things.

In Scotland as a whole, the participation numbers are very low.

The Convener: Do some of the larger organisations not do good work? Some of them give their staff a day a month or whatever—I am not sure what it is—to volunteer. Would they not be able to help you sell the benefits of volunteering to other companies?

George Thomson: I am not the paragon in respect of ideas on how to deal with the situation. My company, Volunteer Scotland, makes available three days for staff, but there is not a great take-up, so I cannot really criticise others. However, I would say that that approach does not work.

As has been mentioned, there has to be a move from transactions to relationships. You could build relationships among staff by, for example, taking up the wonderful step count challenge and getting people out and about and doing things as teams, or getting people to walk to work. Such activity has a lot going for it, but people do not relate to the transactional side. If someone has a day available to take once a year, there is not a great take-up.

The Convener: Okay. You mentioned “Challenge Anneka”—seriously?

George Thomson: I know—I am sorry. I am showing my age. [Laughter.]

Graham Simpson: I am just wondering what “Challenge Anneka” is. I have never heard of it.

The Convener: No misinformation should be provided at this point.

Kenneth Gibson (Cunninghame North) (SNP): That was just because he did not have a telly. [Laughter.]

Graham Simpson: That is true.

I am reflecting on your discussion with the convener and thinking about my experience. I used to work for *The Scottish Sun*. That company probably had the kind of volunteering set-up that George Thomson is not in favour of, because it would give its staff a volunteering day every couple of months and organise certain things. I took part in tree planting in Glasgow. That is a bit like fence painting. It is just a one-off activity; it is not a regular thing. You do not need to respond to that—I am just reminiscing.

Dave Moxham mentioned procurement. A number of organisations that get public contracts use volunteers. The SCVO advocates

“that organisations who want government support must offer proper contracts,”

not zero-hours contracts, and

“pay the living wage”.

Do you have thoughts on how the Government should tackle that?

11:00

Dave Moxham: We have a big shopping list of standards that should be laid down for contracted companies in relation to their employed staff. I would very much like the charter to be adopted by companies and insisted on by procurers for companies that deliver volunteering as part of a wider contract. We certainly do not take the view that companies that use volunteers should not get procurement contracts—I am not sure whether that was the point of your question—or take the view that it should be insisted that they do. There is a mixed economy of provision.

I am sorry; I did not get the other part of your question.

Graham Simpson: I suppose that the SCVO is saying that when the Government or a council hands out contracts to organisations that have a large body of volunteers, the contracts should specify what is required.

Dave Moxham: We absolutely support that. To be fair, in a lot of the environments in which we observe a lot of volunteers, clear expectations, rights—although not the rights that Alex Rowley talked about—and responsibilities are laid down on safety, supervision and a range of things. That should be stipulated, but I do not pretend that that does not currently exist. There are many fairly positive examples of such relationships working quite well.

George Thomson: I return to the question of motivation, which can never really be answered in the abstract. We are clearly not saying that there is no role for volunteers; we want more volunteers to help and provide a service. However, if the motivation for such engagement was to have a competitive edge over another contractor because savings could be incurred, that would open up questions for the system about whether that was legitimate. If the motivation was about engagement, wellbeing and the community interest from what was happening, that could shift the judgment.

Dave Moxham: Graham Simpson asked about the role of companies and gave the example of the day off for tree planting.

Graham Simpson: The trees are still alive, apparently.

Dave Moxham: Are they?

We do not disagree in principle with a company saying, “Let’s all go off for a day and do this instead of work,” although that gets close to the question whether that is volunteering. Giving

people a day off so that they can volunteer to do something that a company wants them to do does not quite do it for me.

In relation to flexibility, what is more important is companies recognising that people do things out there for the common good. That can be anything all the way through to sitting on a children's panel. An activity probably ceases to be volunteering if a company gives someone three days off to do it, but there are important flexibilities. A person might not ask for additional hours to do their volunteering, but they might ask for flexible hours so that they can do something on a particular morning—as we know, a 9-to-5 pattern does not always assist with such things. Employers—particularly in the private sector—could look at how they support their employees' volunteering activities by providing the flexibilities that recognise that such activities are a public good that should be promoted.

George Thomson: My former chair, Bill Howat, gave evidence to a parliamentary committee and shared with me what happened then. It strikes me that the commercial sector tends to look at volunteering as a charity thing. The sector looks for possibilities to go and do some work with charities, thinking—largely mistakenly—that there is a need for it. There is good evidence and research showing that it is a burden on most charities when a group says, "We want 10 to 12 people from our team to come and do some work with you." The group thinks that that can somehow be done without cost to the charity.

We are starting to see a shift in that thinking. The companies now say, "This is not really that meaningful, so how can we take part in more meaningful activities?" I would like to think that the charter can help with that. It is about a shift to more community building and community relationships; it is about finding out about the community where the company is based rather than thinking, "Oh, there is a poor charity that requires a day's activity from us and it will thank us from the high heavens because of what we've done." I am exaggerating, but it is a bit like that.

Graham Simpson: I completely agree with you—it is the kind of thing that looks good in the company newsletter and makes the company feel good about itself but does not provide any long-term help.

Moving away from the third sector, I have a question for Dave Moxham. What is your view on the use of internships? MSPs occasionally offer internships.

Dave Moxham: Again, I am not even sure whether this is a grey area. We are against unpaid internships. We do not see them as being necessary, as there are plenty of ways to provide

opportunities. The STUC is about to agree on a very well-structured internship, which is essentially paid by the funding organisation and provides genuine opportunities, which we think is a good thing.

The concern about unpaid internships is fairly well rehearsed. They are more available to people of certain financial means than they are to others, so we are against unpaid internships.

George Thomson: All I would add to that is that any volunteer activity which requires a lot of hours to be given starts to shift the activity away from what we would normally see as volunteering into a different domain. That is not to say that it is necessarily wrong, but it would need further attention.

Graham Simpson: I will just turn that around slightly. In the Scottish Parliament, a university might approach MSPs and say, "We've got X students and, as part of their course, we would like them to spend time in an MSP's office. We are not asking you to pay them—it's part of their course and, at the end of it, they will produce something. It's short term." Is there anything wrong with that? The MSP is not looking for anyone in particular; they are just helping someone out.

Dave Moxham: Let me be clear: we would differentiate between something that it is part of a structured educational opportunity—one presumes that due diligence would have been done on such an opportunity—and somebody simply saying, "Come and work for me for free for three months." In general terms—not that we would say that every single example is fine—we would make a distinction between a structured educational opportunity and a general arrangement where someone says, "Come and work for me for free. It will be to your own advantage in the long term."

Kenneth Gibson: I was going to say something similar to Graham Simpson; 100 per cent of my staff budget is committed, so if I was to take on an intern, it could only be on an unpaid basis. Otherwise, I would have to make room for them by taking something from the salaries of my existing staff.

Dave Moxham alluded to the big society earlier, which was an idea that sank without trace. It came, of course, from Dave "Where is he now?" Cameron, back in the day.

I think that everyone now accepts that volunteering should grow but not at the expense of paid employment. I would suggest that we want paid employment and volunteering to grow, and to minimise the overlap. From my perspective, it is about how we manage and minimise the overlap, and address the issues without conflict. The charter states that it can be used as

“A tool for conflict resolution and addressing media interest.”

You talked about countryside rangers. Do you have any other practical examples of how the charter might work?

You also talked about employers assisting volunteers. An obvious example would involve an employer allowing someone to take time off work to crew a lifeboat, which is a very important community task.

George Thomson: There are quite a few things there. What struck me about the big society was that it was a statement that said, “The state is withdrawing, and more will fall on you.” In that sense, it did not work.

As a counter to that, there is real willingness among our population—it is absolutely palpable—to engage and do things. I did some door knocking myself—I went to 400 different doors and spoke to 100 people in five different communities, well over half of whom were willing to be part of something.

Local government—the local state—and community planning partners have a far greater responsibility than they currently take on to generate the circumstances to promote community participation and the common good. Instead of being overly reliant on the charity sector as a way to bring things in, we have to do a lot more on that front.

I have made my soapbox point, and now I cannot remember the question. [*Laughter.*]

Kenneth Gibson: That is how rambling the question was. It went round a few houses.

Dave Moxham: There are two almost diametrically opposed ways of looking at the big society and what it should mean. Kenneth Gibson mentioned David Cameron, so I will, too. As George Thomson suggested, Cameron was talking about withdrawal of the state. We all know—I think that most of us would agree—that that leaves resilience only among those who are most organised and who are, to be frank, most well-off. Those communities where such resilience is possible are held up as shining examples, and we ask why people in other communities with lower levels of resource and resilience are unable to do the same. We get into what is almost a blame dynamic in which people are told to stand on their own two feet because the poshos round the corner—to be frank—are managing to cope.

There is another way of looking at it. An increased level of community resilience and working together should be engendered, and that should start in our working-class communities and in our towns and cities. I will give an example. I am a member of a 40-strong allotment community, and we get to do quite a lot of things through our

committee. There are certain things for which we take responsibility—for example, we run food initiatives with the local community, and schools come to see us.

However, we operate within a framework that is supported and promoted by the local authority. Some of the work is done by the local authority, which makes grants and provides support, and some of it is done by others. Sometimes the work is done well and sometimes not so well; that is always the dynamic between communities and community organisations and local authorities.

Nonetheless, as a framework it works, because the local authority puts resources into areas where resources are needed. The authority promotes our work on additional things, which are correctly targeted. That is diametrically opposite to saying, “We are not going to fund allotments any more, but we know that the ones in the west end of Glasgow will manage to stay on their feet, while the ones in the east end and the north of Glasgow will probably not.”

Kenneth Gibson: You have touched on the really important issue of community capacity and resilience. In my constituency, there are huge differences. When a community organisation was set up some years ago, there were no retired professionals, if we want to put it that way, who had the time and experience to commit to making the project work. It is sometimes difficult to get significant projects off the ground without a certain level of community capacity. How do we extend and boost community capacity and resilience so that all communities can gain from volunteering?

George Thomson: There are so many different elements. Our take is that we have to create starting points for people to meet—perhaps for the first time, in a neighbourhood—to discuss their community context. We have been experimenting with a community bubble, which is a wonderful tent—I wish that the committee had the time to hear more about it—that we have taken to Tillicoultry and Brussels, of all places.

11:15

More important, in our Stirling-based work, the community bubble will be our outreach effort when we go into communities to find legitimacy for the first point, which might be survey work, photography, community radio or other things that generate interest and get people talking about the community spirit of their place, including what builds it and what detracts from it. From that dialogue, we work out what people could connect with. If it is a group of guys, they might connect with the local men’s shed, so we can make that reference.

In Tillicoultry, three things emerged from our community bubble events—drugs conduct, festivity and housing management—and there are now three groups working on the different elements. We are nurturing that to see where it goes. Starting points are of the essence.

Kenneth Gibson: An issue in my constituency, and I am sure in many others, is lottery grants. In applications to the awards for all programme, there is a 70 per cent chance of getting a grant of up to £10,000. However, with major project grants, the success rate is only 6 or 7 per cent, because community groups are expected to put together a 100-page or 200-page business plan, and not everyone has the time, experience or ability to do that, which sometimes holds back major projects.

George Thomson: That is a fair point, but there is another way of looking at it. We are a rich nation and when people have an idea—say, for example, a group wants to set up a recovery cafe—they can find the resources to help them to achieve it. It is a question not so much of people finding the resources to do what they want to do but of getting people together in the first place to have the ideas or to work out for themselves what is important.

We have a crisis on our hands, which is shown by the statistics. In quintile 5—the better areas—of Perth and Kinross and Stirling, half the population is involved in volunteering, but that figure is 13 per cent in quintile 1 of Perth. In quintile 1 of Stirling, where we are working, it is 16 per cent, which is below the national average. It is not that people are any different—it is just that, across the playing field, the circumstances mean that we have been unable to listen humbly to where people are at and what makes sense to them, and work it out from there. It is a long journey, but when the opportunity is given, the results are encouraging.

Kenneth Gibson: I was a member of the predecessor committee 20 years ago and we did a major inquiry into volunteering. One of our recommendations was that public agencies should be funded for three years, yet that is still a problem. Will you comment on that?

Dave Moxham: I agree. There are so many reasons to go for a more stable long-term-assured funding mechanism for delivery of public services outwith the direct sector, and volunteering is only one of them. If you want organisations to provide services and have plans—including plans for how they engage with communities and develop strong and robust volunteer policies—security of funding is a major component. I do not pretend that that is just about volunteering; there is a list full of reasons why that should be the case.

Alexander Stewart: Today, we have talked about the benefits of individuals giving of their time and talent to support the volunteering sector, and

there is no doubt that the benefits are immense. I have volunteered all my adult life and I still volunteer each week. The benefits of putting back into the community have been shown. Individuals are given accolades—I had an accolade for my volunteering in the past, which was fantastic. It was not the reason why I volunteered, but being commended and congratulated came from doing the work.

The social enterprise sector is now a big sector, and it has become a much bigger part of our economy. Social enterprises are there because individuals want to be involved. However, although they plough their funds back into the social enterprise or the community, they are businesses to some extent. How can your organisations ensure that people who are part of a social enterprise are not being used to financially support the management or owners of the enterprise, given that the whole sector has become much more prevalent in our economy?

George Thomson: That is a good challenge. It is an area that we have not looked at enough yet, but it is something that I will certainly take away from today's meeting. I will look at the case studies and seek out social enterprise settings, within which we will look at volunteer participation—the overall agenda is to increase such participation, and social enterprises are clearly a good opportunity to do so. Your point is that increased volunteer participation can come with difficulties. I have not focused on that issue, so I do not know enough about it to be able to give you a better answer, but I am very happy to look at the issue as a case study in the future.

Dave Moxham: I am not saying that this is a mistake that Mr Stewart is making, but I think that it is important that we make a clear distinction between what we call the voluntary sector—by which we mean the third and non-profit-making sector—and volunteering. They share a word, but there are very large third-sector organisations that do not have any volunteers at all—they are simply service providers. I have no particular argument with that, but sometimes we tend to think that there is more of a crossover between the non-profit-making motive and the provision of volunteer services—which, as we have discussed, cuts across all sectors—than there really is.

When we talk about social enterprise organisations, the first question to ask is whether the organisation making a profit and is it doing so because of the work that its volunteers are doing. That is in the charter. Clearly, it is possible for an organisation to make a profit, but the volunteering aspect is not the reason for the profit. Can we see a clear correlation between profit-making activity and the use of purported volunteers for that activity? My argument is that, at least by that test,

most social enterprise organisations would pass. Therefore, as an organisation, they are not guilty. We are really talking about whether the role that the organisation is undertaking is, by design, replacing a role that previously would have been undertaken through more direct means. In some cases that might be the position, but in most cases it will not.

The second question is whether the organisation's volunteer policy is a good one. That standard should be attached to all organisations, in all sectors. Therefore, it is not about looking at it as one big amorphous sector, which includes the social enterprise, voluntary and third sectors, and making a statement about the sector as a whole, but about breaking it down into profit, function and good process. If the organisation is not making a profit, and its function and process for volunteers are good, it will pass the test effectively.

The Convener: I have a question about community bubbles. Could you send us some information about those, because they sound like a good idea and could possibly be used for volunteers in our constituencies?

George Thomson: Yes. We are taking them to Brussels next week.

The Convener: I am happy to come with you.

George Thomson: Aye. Come over. The reason I mentioned the trip to Brussels is that we have made an installation for it. It has 5m by 5m panels, which contain wonderful images of the participants in our four-country volunteering project and their stories. We have asked Parliament if it would like the installation to be put up here, so I could come by with an invitation for you to try one of our bubble experiences. I can also send you more information about it—it is definitely taking off somewhat.

The Convener: That sounds very useful, thank you. I thank our witnesses for their evidence today, which was helpful. The committee will consider the evidence when it considers its work programme in private at the end of the meeting. I will suspend the meeting briefly to allow the witnesses to leave.

11:24

Meeting suspended.

11:27

On resuming—

Subordinate Legislation

Non-Domestic Rate (Scotland) Order 2019 (SSI 2019/35)

The Convener: Agenda item 5 is consideration of nine Scottish statutory instruments. The instruments have been laid under the negative procedure, which means that their provisions will come into force unless the Parliament agrees to motions to annul them. No motions to annul have been lodged.

Do members have any comments on SSI 2019/35?

Andy Wightman: I want to put on the record that it is wrong that public revenues approaching £3 billion will be dealt with by Parliament using a negative instrument. I continue to be concerned about that.

The Convener: Okay. Does the committee agree that it does not wish to make any recommendation on the instrument?

Members indicated agreement.

Non-Domestic Rates (Levying) (Scotland) Regulations 2019 (SSI 2019/39)

The Convener: Do members have any comments on SSI 2019/39?

Andy Wightman: I continue to be concerned about the small business bonus scheme. Some of the richest people in the world qualify for the scheme. I welcome the Government's intention to review it, but I hope that this is the last time that it will come before the committee.

Annabelle Ewing: I understand that the threshold is curtailed, so that if someone has several premises the rateable value cannot exceed £30,000.

Kenneth Gibson: It is now £35,000.

Annabelle Ewing: Okay. Their collective value cannot exceed £35,000. Are we really talking about the richest people in the world, convener?

Kenneth Gibson: Warren Buffet?

Annabelle Ewing: Donald Trump? The amount that is involved is £35,000.

The Convener: Everyone's comments are now on the record.

Does the committee agree that it does not wish to make any recommendation on the instrument?

Members indicated agreement.

Non-Domestic Rates (Relief for New and Improved Properties) (Scotland) Regulations 2019 (SSI 2019/40)

Non-Domestic Rates (Telecommunication Installations) (Scotland) Amendment Regulations 2019 (SSI 2019/41)

Non-Domestic Rating (Telecommunications New Fibre Infrastructure) (Scotland) Order 2019 (SSI 2019/42)

Non-Domestic Rates (Telecommunications New Fibre Infrastructure Relief) (Scotland) Regulations 2019 (SSI 2019/43)

The Convener: Does the committee agree that it does not wish to make any recommendations on SSI 2019/40, SSI 2019/41, SSI 2019/42 and SSI 2019/43?

Members *indicated agreement.*

Non-Domestic Rates (Transitional Relief) (Scotland) Amendment Regulations 2019 (SSI 2019/44)

11:30

The Convener: Do members have any comments on the instrument?

Andy Wightman: It is worth noting that the transitional relief that is being granted is on the annual gross bill. Many of my constituents who qualified for the small business bonus scheme who have been paying modest amounts or no rates whatsoever, have found that, suddenly, because of the revaluation, their gross value exceeds the small business bonus scheme threshold and, therefore, they are experiencing a 100 per cent, 200 per cent or even 400 per cent increase in their rates bill. That kind of fiscal proposal should not be made using an instrument that is subject to negative procedure, which offers such limited opportunity for scrutiny.

Alex Rowley: The committee might want to consider getting information on the outstanding appeals following the revaluation, because I believe that there is a significant amount. However, that is a separate point.

The Convener: Yes, that is separate. We will take that point into consideration later.

Does the committee agree that it does not wish to make any recommendation on the instrument?

Members *indicated agreement.*

Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2019 (SSI 2019/45)

Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment (No 2) Order 2019 (SSI 2019/77)

The Convener: Does the committee agree that it does not wish to make any recommendations on the instruments?

Members *indicated agreement.*

The Convener: That concludes the public part of today's meeting.

11:32

Meeting continued in private until 12:02.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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