

PARLIAMENTARY BUREAU

APPOINTMENT OF COMMITTEE ADVISERS

Background

1. At its meeting on 26 April 2022, the NZET Committee agreed to seek approval to appoint two advisers to support its scrutiny of climate change and net zero issues, as well as wider parliamentary scrutiny (in particular cross committee).
2. This paper sets out details of the proposed remits for each adviser and invites the Bureau to agree to the Committee's request to appoint two advisers.

Climate change and net zero

3. Climate change and net-zero are complex scientific, socio-economic and environmental issues, and so require whole-society solutions. This is reflected in the challenges faced by parliament, and parliamentary committees, in delivering effective scrutiny of the Scottish Government on these issues.
4. The scale of this task was recognised by the Committee's part-predecessor, the Environment, Climate Change and Land Reform Committee, which appointed an adviser on climate change related issues. It recommended in its legacy report that its successor consider doing the same.
5. Effective scrutiny will engage all parliamentary committees. The Conveners Group in this session has identified climate change and net zero scrutiny as requiring a cross committee approach. This framing was also reflected in the Session Five Conveners Group [Legacy Report](#), which concluded that climate change cannot be tackled alone by a climate change, or net zero committee – there is a role to be played by many other committees. The Conveners Group is having ongoing discussion on these issues - and an adviser to this committee could play a key role, alongside SPICe and clerking, in supporting those conversations.
6. For the NZET Committee, such effective scrutiny will require consideration of climate governance within Scotland, the UK and internationally, consideration of policy, legislation and the Scottish Government's Budget. It will involve scrutiny of the Scottish Government and of public bodies, engaging with subject experts in the development of briefing materials, drawing on international best practice and the development of scrutiny tools.
7. The Committee has agreed, therefore, that an expert adviser would significantly assist in development of the focus and approach to scrutiny. Such an appointment would also help the parliament meet its own statutory public duties on climate change and sustainable development – as detailed in the Climate Change (Scotland) Act 2009, and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – and which can encompass how the parliament

considers climate change and sustainable development in how it carries out its functions (including scrutiny).

Environmental law and policy

8. As environmental policy is largely devolved, a significant number of returned EU powers following EU exit fall within the remit of the Net Zero, Energy and Transport Committee.
9. The UK Government and devolved administrations agreed that, in a number of policy areas, common framework agreements were necessary following EU exit to ensure that rules and regulations in certain policy areas remain broadly consistent and avoid significant policy divergence between the nations of the UK, where that would be undesirable. Some frameworks are underpinned by legislation; others are underpinned by non-legislative measures, such as concordats or memoranda of understanding. Any international treaties agreed by the UK Government will also have some impact on Scottish interests.
10. The Scottish Government has indicated that, where appropriate, they would like to see Scots law continue to align with EU law and committed to no regression in standards. This commitment is often referred to as a commitment to “keeping pace”. Monitoring whether the Scottish Government is keeping pace is a complex, technical and detailed exercise.
11. The Committee is mindful that scrutiny will also require consideration of the legal and constitutional aspects of withdrawal – and how the frameworks and any UK legislation impact on devolved competence, as well as environmental policy aspects. This dimension provides additional complexities to committee scrutiny.
12. The Committee has agreed, therefore, that an adviser would significantly assist its scrutiny of Post EU-exit environmental standards and governance in Scotland as well as the legal and constitutional aspects of the UK’s withdrawal from the EU in these policy areas in Scotland. It seeks approval for an adviser to be appointed up until the end of the Parliamentary session.
13. At its meeting on 26 April 2022, the Net Zero, Energy and Transport Committee therefore agreed to also seek approval to appoint a second adviser to support its scrutiny of environmental policy, focusing on the post-EU exit legal and constitutional context, alongside usual support from clerks and SPICe.
14. It is proposed that the two advisers be separately appointed at a standard day rate, for two years, with the option to renew the contract to the end of Session 6, by mutual agreement. It is anticipated that the commitment will vary over the period of appointment, with greater involvement around key policy developments and inquiries, with likely extended periods where the adviser’s services would not be required.

Appointment of adviser on climate change policy, science and law

15. The Committee agreed the specification set out below.

Adviser remit

16. “To support the Net Zero, Energy and Transport Committee, and Scottish Parliament as required, in scrutinising policy through the lens of net zero targets.”

Adviser duties

17. It is expected the main adviser duties would be—

- Work alongside SPICe and clerking to provide strategic advice about committee’s approach to scrutiny of governance, policy, legislation and impacts of climate change;
- Support development of an NZET session 6 climate change and net zero scrutiny strategy and action plan;
- Provide advice and briefing about the impact of, and science related to, climate change – and how it relates to any and all devolved policy areas;
- Provide advice about how climate change and net zero policy, and associated effective governance should be embedded in Scottish policy legislation; and delivery through Scottish Government, agencies and public bodies;
- Alongside SPICe, provide advice about calls for evidence, possible witnesses, draft lines of questioning and analyse evidence in relation to the Committee’s scrutiny of climate change;
- Attend committee meetings to provide background briefings, especially ahead of evidence sessions or consideration of reports;
- Assist in the drafting of any reports published in relation to the Committee’s scrutiny of climate change.
- Be available to work with SPICe and clerking to support Conveners Group discussions on cross-committee scrutiny – and if required, to chair a panel of advisers operating on a cross-committee basis.
- Contribute to SPICe Briefings or blog posts on related issues

Skills/abilities

18. Detailed knowledge of climate change science, policy and law in Scotland and internationally. Keen understanding of the interlinkages between climate change and the wider sustainable development context. A high level of analytical skills, good written and oral communication skills, ability to work to tight deadlines, and an awareness of how to work effectively and appropriately in the political environment of the Parliament, are also required.

Experience

19. Experience of working in climate change and net zero policy in Scotland is essential. Experience of working with politicians is highly desirable.

Knowledge

20. Climate change science, policy and legislation; UK and Scottish political and parliamentary systems.

Conditions of Appointment

21. As an expert in the field (and given the size of the remit) the adviser may well have had an involvement with the main agencies involved in providing services. Any such interests will be declared in the interests of transparency and accountability.

Time commitment

22. It is anticipated that the commitment will vary over the period of appointment, with greater involvement around key policy developments, with likely extended periods where the advisers' services would not be required. It is anticipated the adviser will be required, on average, four days per month.
23. The Contract will expire after two years, with the option to extend to the end of Session 6 by mutual agreement.

Appointment of adviser on environmental law and policy

24. The Committee agreed the specification set out below.

Adviser remit

“To support the Net Zero, Energy and Transport Committee, and Scottish Parliament as required, in scrutinising environmental standards and their regulation in a post EU exit landscape. This would include supporting scrutiny of alignment with EU standards (keeping pace policy commitment), development and operation of common frameworks, Impact of the UK Internal Market Act and international trade deals on environmental issues; establishment and operations of Environmental Standards Scotland”.

Adviser duties

25. It is expected the main adviser duties would be—
- In collaboration with clerks and SPICe, provide advice to support the Committee's scrutiny approach, understanding and expertise in relation to environmental standards and regulation in Scotland, particularly in a post-EU exit context;
 - Provide strategic advice about the Committee's approach to scrutiny of common frameworks, UK legislation and international treaties relating to environmental standards;
 - Provide advice about the impact of common frameworks, UK legislation and international treaties on environmental law and the devolution settlement;

- Provide advice about how environmental principles and governance are being embedded in the Scottish post-EU policy and legislative landscape, for example in advance of work programme sessions or hearing from the Scottish Government;
- Provide advice about calls for evidence, possible witnesses, draft lines of questioning and analyse evidence in relation to the Committee's scrutiny of the UK internal market, common frameworks, UK legislation, international treaties and the Scottish Government's commitment to regulatory alignment;
- Attend committee meetings (or visits) to provide background briefings, especially ahead of evidence sessions or consideration of reports;
- Assist in the drafting of any reports published in relation to the Committee's scrutiny of common frameworks, UK legislation, environmental principles and governance and international treaties; and
- Contribute to SPICe Briefings or blog posts on related issues.

26. The Committee is aware the Constitution, etc and the Rural Affairs, Islands and Natural Environment Committees have also sought to appoint advisers in similar terms to assist them with constitutional, agriculture and fisheries issues. The Committee would be content for the expertise of the advisor to be shared with any other committee: by agreement with the advisor themselves, and by mutual agreement of the relevant conveners and clerks.

Skills/abilities

27. Detailed knowledge of environmental policy and law in Scotland (and UK); detailed knowledge of constitutional issues, specifically the impact of EU exit on environmental law. A knowledge and understanding of international environment would be desirable. A high level of analytical skills, good written and oral communication skills, ability to work to tight deadlines, and an awareness of how to work effectively in the political environment of the Parliament, are also required.

Experience

28. Experience of working in environmental policy and law in Scotland – and specifically in relation to the impact of EU exit – is essential. Experience of working with politicians is highly desirable.

Knowledge

29. Environmental policy and law; constitutional policy and law; UK and Scottish political and parliamentary systems

Time Commitment

30. It would be desirable for the adviser to start as soon as possible to help the Committee analyse responses to a call for views and to prepare for a related evidence session in September.

31. It is anticipated that the commitment will vary over the period of appointment, with greater involvement around key policy developments, with likely extended

periods where the advisers' services would not be required. It is anticipated the adviser will be required, on average, one to two days per month.

Decision

32. The Bureau is invited to approve the appointment of two advisers – one on climate change policy, science and law, and one on environmental law and policy in Scotland - to assist with the scrutiny of these subject areas throughout the session.

Peter McGrath
Clerk to the NZET Committee
April 2022