



The Scottish Parliament
Pàrlamaid na h-Alba

Conveners Group

Agenda

1st Meeting, 2023 (Session 6) Wednesday 25 January 2023

The group will meet at 12.30pm in Committee Room 2.

- 1. Minutes**
- 2. Public participation in the Scottish Parliament:** discussion on the recommendations of the Citizen's Panel on public participation
- 3. Committee travel request:** consideration of committee travel request
- 4. SPCB-supported officeholders:** consideration of a proposed written agreement between Conveners Group and Scottish Parliament Corporate Body
- 5. Net zero scrutiny - Progress report on CG Session 6 Strategic Priority:** update on action taken on net zero scrutiny

Next meeting – Wednesday 22 February

The papers for this meeting are as follows –

1. Minutes of last meeting CG/S6/22/9/M
2. Public participation: discussion paper on recommendations of Citizen’s Panel on public participation CG/S6/23/1/1
3. Committee travel request: consideration of travel request from Citizen’s Participation and Public Petitions Committee CG/S6/23/1/2
4. SPCB-supported officeholders: proposed written agreement on scrutiny of SPCB-supported officeholders CG/S6/23/1/3
5. Net zero scrutiny: update on strategic priority CG/S6/23/1/4

Committee debates this Parliamentary year

1	22/09/2022	Standards, Procedures & Public Appointments Committee	Debate its report on future procedures and practices
2	01/11/2022	Social Justice and Social Security Committee	Robbing Peter to pay Paul: Low income and the debt trap
3	10/11/2022	Health, Social Care & Sport Committee	Inquiry into alternative pathways to primary care
4	17/11/2022	Constitution, Europe, External Affairs & Culture Committee	The impact of Brexit on devolution
5	14/12/2022	Health, Social Care & Sport Committee	Debate on its health inequalities inquiry
6	17/01/2022	Citizen Participation & Public Petitions Committee	petition PE:1865 Suspend all surgical mesh and fixation devices
7	28/02/2023	Economy & Fair Work Committee	Debate on its inquiry report on Retail and Town Centres in Scotland
8	14/03/2023	Net Zero, Energy & Transport Committee	The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland
9			
10			
11			
12			

Contact details for the clerk

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The Scottish Parliament
Pàrlamaid na h-Alba

Conveners group

Minutes

9th Meeting, 2022 (Session 6) Wednesday 30 November 2022

Present:

Liam McArthur MSP, Convener
Clare Adamson MSP, Constitution, Europe, External Affairs and Culture Committee
Claire Baker MSP, Economy and Fair Work Committee
Siobhian Brown MSP, COVID-19 Recovery Committee (Virtual)
Ariane Burgess MSP, Local Government, Housing & Planning Committee
Finlay Carson MSP, Rural Affairs, Islands & Natural Environment Committee
Jackson Carlaw MSP, Citizen Participation & Public Petitions Committee (Virtual)
Natalie Don MSP, Social Justice and Social Security Committee
Gillian Martin MSP, Health, Social Care and Sport Committee (Virtual)
Edward Mountain MSP, Net Zero, Energy & Transport Committee
Audrey Nicoll MSP, Criminal Justice Committee
Sue Webber MSP, Education, Children and Young People Committee
Martin Whitfield MSP, Standards, Procedures & Public Appointments Committee

Apologies were received from:

Joe Fitzpatrick MSP, Kenneth Gibson MSP, Richard Leonard MSP and Stuart McMillan MSP

- 1. Minutes:** The Conveners Group agreed the minutes of the last meeting.
- 2. Post-Legislative scrutiny Session 6 strategic priority for CG:** The Group considered a paper on post legislative scrutiny (PLS) and agreed to the recommendations set out in the paper.
- 3. Post-EU scrutiny Session 6 strategic priority for CG:** The Group received a briefing from Clare Adamson MSP on the work the Constitution, Europe, External Affairs and Culture Committee. To support Members in the scrutiny of post-EU constitutional issues, the Group agreed for officials to produce a toolkit and guidance. It also noted that Scottish Parliament officials continue to work with Scottish Government officials in considering the appropriate level and timing of information to be provided to the Parliament in relation to the Ministerial policy to align with EU law.

- 4. Diversity, inclusion and participation Session 6 strategic priority for CG:**
The Group received an update from Jackson Carlaw MSP on the Citizen Participation & Public Petitions Committee's public participation inquiry.

Date of Next Meeting: 21 December 2022

Contact details for the clerk

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Conveners Group

1st Meeting, 2023 (Session 6), Wednesday 25 January 2023

Public Participation in the Scottish Parliament

Introduction

1. This agenda item will allow the Conveners Group to comment on the recommendations of the Citizen's Panel on Participation as they relate to committees. The discussion will be in the form of a facilitated activity supported by the Participation and Communities Team (PACT).

Background

2. Conveners will recall that the Citizen Participation and Public Petitions Committee (CPPPC) has been [investigating public participation in the Scottish Parliament](#). The CPPPC published its [interim report](#) on 16 December 2022. This contains a summary of the evidence received by the Committee and the [recommendations of the Citizen's Panel on public Participation](#) in the Scottish Parliament. The Citizens' Panel (20 diverse and randomly selected people from all over Scotland) were responding to the question: *How can the Scottish Parliament ensure that diverse voices and communities from all parts of Scotland influence our work?*
3. The CPPPC is now seeking views on the recommendations, externally and across the Parliament. The Committee has launched an open call for views via [Your Priorities](#) closing on 10 February. This has been shared with all MSPs.
4. The outcome of this process will also inform Conveners Group's approach to its strategic priority on diversity, inclusion and participation.
5. The focus at Conveners Group will be on recommendations relevant to committee work as set out in the annex to this paper. If Members also want to comment on recommendations relevant to the wider Parliament there will be other opportunities for this during the consultation period.

For discussion

6. The questions for discussion are: **which of the recommendations should we prioritise to support committee scrutiny? and how we should go about implementation?**

7. To make the most use of the limited time available for this item, and capture as many views as possible, Conveners will be asked to take part in a facilitated activity to prioritise the recommendations they consider have most to contribute to supporting committee scrutiny, and also to identify immediate next steps that they would like to see taken to progress the priority recommendations. As an aside, this will also give Conveners a flavour of the way facilitators worked with the Citizens' Panel to help them reach their conclusions.
8. If any Conveners are unable to attend in person, there will be support from PACT to facilitate a parallel activity online so that all Conveners are able to contribute their views.

Next steps

9. The Convener of the CPPPC will return to discuss the responses to the Citizen's Panel recommendations with Conveners, ahead of the CPPPC reporting in May 2023, followed by a Chamber debate on the CPPPC recommendations (date to be confirmed).

Recommendation

- 10. The Conveners Group is invited to consider the recommendations of the Citizen's Panel on Public Participation.**

**Conveners Group clerking team
January 2023**

Citizen Panel Recommendations

[Note: some recommendations not directly relevant to committee work are not included below but can be read in the [CPPPC report](#)]

Community Engagement

1. Remove barriers to participation so that everyone has an equal opportunity to be involved in the work of the Parliament.

- Follow up on previous research by researching different methods of engagement, who they work for, and the resource that is needed to use these methods.
- Apply research to use different engagement methods to reach the whole of society, including non-digital and digital approaches.

Be mindful of solutions to reach all parts of society -, work together with people to identify and create appropriate engagement methods for start to finish inclusion. Innovations like citizens' panels are good but be careful for how costly they are and how they may not engage people with other responsibilities or concerns such as child caring responsibilities, those on low incomes, those who don't have flexibility around work. Have an active approach to seeking out alternative voices and ensuring opportunities to engage are as flexible and as varied as possible: when, where, how and where people feel comfortable.

- Raise awareness that the Scottish Parliament will provide payment which addresses the cost barriers that people face when coming to the Parliament and taking part in engagement activities, such as travel expenses, lost income from time off work, childcare and additional costs related to accessibility requirements.

This could also be expanded so that experts or individuals representing already identified protected groups or minority communities could be paid for a couple of days a month to work with different teams. Paying for engagement isn't enough to make it effective though – training and education are crucial to make community engage effectively.

- Ensure access for people with English as a second language including promoting and improving use of Happy to Translate. Support participation from those with learning disabilities by promoting and increasing the use of Easy Read.

2. Create opportunities for people to use and share their lived experience to engage on issues that they care about.

We heard that people are effective at being experts on things and can upskill and educate themselves very quickly if they need to - Covid proved that. We don't have the bandwidth to feel passionate about everything all the time – but when we do we need to have the channels there to engage.

- **When identifying witnesses, ensure an even balance between academic and professional experts, and people with lived experience.**

Experts by experience panels can be empowered by the process because they are treated as equal and the group can bond and build empathy. Committees could also build communities of practice embedded in communities across Scotland (e.g. farmers group, disability awareness and support groups) to work with members and Parliamentary staff.

3. Raise awareness of Parliamentary business in plain and transparent language including visual media.

- **Core principle: Use clear and direct language and visuals to communicate information about parliament, including legislation.**
- **Undertake research into the general public's level of trust and knowledge about the everyday work of the Scottish Parliament.**

How many people are actually satisfied with their dealings with their representatives compared to those who are dissatisfied? What level of understanding do the public have around the difference between Parliament and Government? If people knew that Parliament was an independent institution here to represent the people of Scotland, pass laws and hold the Government and public bodies to account, they would be more likely to engage.

4. Bring the Parliament to the people

- **The Parliament should test approaches to using regional engagement/information hubs and/or a travelling exhibition or mobile unit.**

The Parliament should go to where people already are and where they feel safe and have a sense of community and support; and talk to people about their issues rather than politics. We would like to see the Parliament testing the effectiveness and cost effectiveness of:

- *displays in public spaces where people are informed of the topical debates affecting their community and are able to communicate their views simply. These could be in schools,*

libraries, art galleries, community centres, shopping centres, parks.

- *Information hubs in towns across Scotland*
- *A mobile “Parliament bus” to make the Parliament visible in small or rural communities, where the public can share views, learn, ask questions, etc.*

5. Ensure that community engagement by MSPs doesn't exclude people that are outwith community groups, including by using evenings, weekends and online services.

6. Create a system such as a webpage where people can register and be notified about opportunities to engage.

The Parliament should create and advertise means for people to register their details and interests with the Parliament. MSPs and Committees would be able to contact individuals about opportunities to engage in the work of Parliament when an issue arises that individuals are interested in. This idea was inspired by the amount of issues discussed at parliament at any one time passing the public by - this solution could ensure that no one misses the chance to engage.

How the Parliament uses Deliberative Democracy

7. Legislate for Deliberative Democracy in order to ensure that:

- **diverse voices and communities from all parts of Scotland influence Scottish Parliament's work.**
- **the public are consistently informed and consulted on local and national issues.**

In drawing up this legislation the Parliament should:

- **recognise that there is not one engagement solution that fits all situations and issues.**
- **design and implement a framework based on this panel's recommendations for ensuring diverse participation in deliberative democracy.**

The framework should include:

- **An annually recurring citizens' panel with agenda-setting powers to determine which local and national issues require either national or local people's panels (e.g., 'deliberative town halls').**

- **Protection for participants to improve participation. We do not agree that participation in panels should be mandatory, but protective elements such as the right to time off work should be included for people who are selected to take part.**
 - **Rules around how MSPs consider and respond to recommendations from people's panels such as mandatory follow-up to people's panels' recommendations no later than 9 months and a response from the Parliament and Government.**
 - **Potential for mixed MSP–people panels.**
 - **Ability to form local panels with local MSPs with outcomes that are sent up to the national level.**
- 8. Build a strong evidence base for deliberative democracy to determine its effectiveness and develop a framework for measuring impact.**
- 9. Build cross-party support for deliberative democracy as this is needed for it to work.**
- 10. We recommend that one of the panels which should be set up is a specific people's panel to discuss the MSPs' code of conduct.**

Public involvement in Parliamentary business

- 11. Carry out a cost-benefit analysis of the Parliament itself or committees meeting outside of Holyrood and compare this to (a) more support and targeted invitations for people to come to Holyrood and (b) reinstating Parliament days (MSPs going out into communities for a day of activity).**
- 12. Set a 9-month deadline as a default for feedback on the outcome of any engagement with clear reasons where this deadline would not be met (if applicable). The live status of the decision making process should be clear and transparent throughout.**

Parliament could create a minimum standard of response. For example:

- *initial acknowledgement of engagement;*
- *follow up to explain how many responses and what happens next;*
- *a follow up with information on the outcome of the inquiry.*

- *signposting with more information*
- *traffic light system for inquiries flagging up what has been addressed and what hasn't*
- *calls logged and and rules as to how long someone would have to wait for a response.*

This would show people that their participation is worthwhile and make people feel that their voice is being heard. Legislation and inquiries can take a long time, so set expectations from the start and consider how you will keep people involved in the longer term. If you don't do this it will fuel apathy and mistrust.

Communication and Education

13. Use media outlets, documentaries and short films to highlight Parliament successes and real life stories of engagement to improve public perception and trust.

We heard that the Scottish Parliament needs to do more to tell people about its engagement and participation work, as those it reaches are positive about the experience. Then it is a matter of finding the best marketing practices to reach as many people as possible.

Use people who have had positive interaction and experience with Parliament to tell their story through national and local media (tv/radio/newspaper etc) and community groups. The public sometimes find it easier to digest information by way of another person telling them.

Make sure people know about the teams of staff working on engagement as well as MSPs.

Conveners Group

1st Meeting, 2023 (Session 6), Wednesday 25 January 2023

Citizen Participation and Public Petitions Committee - Request for Members to travel to Belgium, France and Ireland

Introduction

1. The purpose of this paper is to seek Conveners Group approval of a committee travel request.
2. Under rule 12.3.2(a) committees are required to seek the approval of the Conveners Group to meet outwith Holyrood. Under rule 12.10 committees are required to seek the approval of the Conveners Group to travel outwith the United Kingdom.
3. These procedural requirements ensure that the Conveners Group is aware of formal committee activity taking place outwith the normal business arrangements. It is also to ensure that budget arrangements are in place. The Group is invited to note that budget has been identified to resource this travel request.
4. The approval of the Parliamentary Bureau is also required under the rules. The Bureau is expected to consider this request at its meeting on 31 January.

Nature of request

5. Approval is sought for the Citizen Participation and Public Petitions Committee to travel to Ireland, Belgium, France in February and March 2023. It is intended that the visiting delegation would be made up of: the five members of the Committee; two clerks; a SPICe researcher; and a member of PACT. The visit to Ireland will take place on one Friday in February and visits to Belgium and France will take place over two weekends in March. For Paris, it is anticipated that Members will travel on the Friday morning and return on Saturday evening, however, the visit to Brussels will require Members to travel on the Thursday evening and return on Saturday. The Committee recognises that current political uncertainty may mean the timing of the visits may be required to be changed.

Justification/benefit

6. The Committee is undertaking an inquiry looking at the ways in which people's voices are heard in the work of Parliament. A key theme of the evidence gathered so far has been the use of deliberative approaches, such as citizen's assemblies,

as positive tools to encourage public engagement in the work of Parliament. In considering this evidence, the Committee agreed that there would be benefit in undertaking visits to jurisdictions that have institutionalised deliberative approaches.

7. The ability to observe citizens' deliberations in person and explore how the models operate in practice is considered a valuable use of Members time as they reflect on the recommendations from the Citizens' Panel on Participation in the Scottish Parliament, consider how deliberative processes might also be developed in Scotland and begin to form recommendations for Scottish Parliament action.
8. In Ireland, five separate Citizen Assemblies have been convened on issues including the constitution, gender equality, biodiversity loss, and the model of local government in Dublin. With two Citizen Assemblies having recently concluded, the Committee will have the opportunity to meet with Members from both Houses of the Irish Parliament, on either 20 or 24 February, to explore how their committees respond to recommendations of the citizens' assemblies. The Committee will also meet with the Secretariat of the Citizens' Assemblies to discuss how this model has been developed and institutionalised in Ireland. This is a timely opportunity to discover how the citizen assembly model can be reviewed and adapted with each panel of participants.
9. In Paris, a permanent citizen's assembly has been established, which decides on a topic for the annual participatory budget programme. A similar model has also been utilised in the regional, French-speaking, Brussels parliament to establish deliberative committees which bring together citizens and parliamentarians to work together on an issue. The next meeting of the Paris Citizens' Assembly is due to take place on 11 March 2023. A meeting of the Brussels Citizens' Assembly is due to take place on the weekend 24 – 26 March.
10. It is not yet known whether all Members will be available to attend on the chosen dates so it is possible that the costs set out below might be reduced.

Background

11. The Citizen Participation and Public Petitions Committee has been [investigating public participation in the Scottish Parliament](#). The Committee published its [interim report](#) on 16 December 2022. This contains a summary of the evidence received by the Committee and the [recommendations of the Citizen's Panel on public Participation](#) in the Scottish Parliament. The Citizens' Panel were responding to the question: How can the Scottish Parliament ensure that diverse voices and communities from all parts of Scotland influence our work?
12. The Committee is now seeking views on the recommendations, externally and across the Parliament via [Your Priorities](#) closing on 10 February.
13. The Committee plans to report its recommendations to Parliament in May, ahead of a Chamber debate on its report later this year.

Potential programme

14. It is anticipated that the visits would include meetings with the following:

Dublin 24 February

- Meeting with Ceann Comhairle to discuss Citizens' Panel recommendations
- Meet with Members of the Joint Committee on Public Petitions to explore shared areas of interest
- Meet with Art O'Leary, Secretary to the Citizens' Assemblies

Paris 10 – 11 March

Day 1 - Friday

- Welcome meeting
- Meet with participants of Citizens' Assembly
- Informal meetings with parliamentarians and researchers

Day 2 – Saturday

- Observe Citizens' Assembly deliberations
- Informal meetings with the secretariat to the Citizens Assembly

Brussels 23 - 25 March

Day 1 - Friday

- Welcome meeting with President of Brussels Francophone Parliament
- Q&A with President and Committee Members
- Meet with participants of Citizens' Assembly
- Networking lunch
- Informal meetings with parliamentarians and researchers

Day 2 – Saturday

- Observe Citizens' Assembly deliberations
- Informal meetings with the secretariat to the Citizens Assembly

Travel and costs

15. Costings have been estimated for three separate visits, travelling by air. Visits will take place over weekends or at the beginning of the week to limit Member's time away from the parliamentary estate as Members are likely to be able to travel over Friday to Mondays.

16. The option to travel by rail/ferry has been assessed and costed. This would require an extended period of time away from the parliamentary estate and Members would require approval to miss Chamber business on three Thursday afternoons. The cost of travel by rail/ferry is comparable to air, but additional accommodation and meal requirements would add a minimum additional £6000 cost to undertake all visits.

17. The anticipated costs for the visits are set out below. There is scope to meet these costs from the committee travel budget.

Costs	£
Return Air Travel Edinburgh to Dublin (9 people)	2,013
Return Air Travel Edinburgh to Paris (9 people)	3,490
Return Air Travel Edinburgh to Brussels (9 people)	2,600
Overnight Accommodation for 2 nights x 9 people (Brussels)	3,960
Overnight Accommodation for 1 night x 9 people (Paris)	1,980
Meals/Refreshments x 9 people (Dublin)	330
Airport parking (Edinburgh)	800
Incidental travel (taxi between meetings)	275
TOTAL	£15,448

Decision

18. The Committee seeks Conveners Group approval for travel to Ireland, France, and Belgium and for the associated expenditure as detailed in Annexe A.

**Citizen Participation and Public Petitions Committee Clerks,
January 2023**

Annexe A**Visit to Brussels**

Travel	£
9 Return flights Edinburgh to Brussels via London	2438.37
Airport taxi transfer	160
Edinburgh Airport parking	320
Incidental travel (between meetings)	100
<i>Subtotal</i>	<i>3018.37</i>
Expenses	
Hotel incl. breakfast	188/night
Meals	585
<i>2 x overnight allowance for 9 people</i>	<i>3960</i>
Brussels subtotal	£6978.37

Visit to Paris

Travel	£
9 Return Flights Edinburgh to Paris CDG	3338.55
Airport taxi transfer	150
Edinburgh Airport parking	280
Incidental travel (between meetings)	100
<i>Subtotal</i>	<i>3868.55</i>
Expenses	
Hotel incl. breakfast	134/night
Meals	775
<i>1 x overnight allowance for 9 people</i>	<i>1980</i>
Paris subtotal	£5848.55

Visit to Dublin

Travel	£
9 Return flights Edinburgh to Dublin	1957.95

Airport taxi transfer	55
Edinburgh Airport parking	200
Incidental travel (between meetings)	75
<i>Subtotal</i>	<i>2287.95</i>
Expenses	
Meals	330
Dublin subtotal	£2617.95
Total for all 3 visits	£15,444.87

All costs to be incurred in current financial year

Conveners Group

1st Meeting, 2023 (Session 6), Wednesday 25 January 2023

Written agreement on scrutiny of SPCB- supported officeholders

Introduction

1. The purpose of this paper is to invite the Conveners Group to consider and approve a written agreement with the Scottish Parliament Corporate Body on scrutiny of SPCB-supported officeholders.

Background

2. There are currently 7 independent officeholders who are supported by the SPCB. A table of the officeholders is attached as **Annexe A**. The SPCB is responsible for funding the offices and for oversight of the governance arrangements. Committees, through their scrutiny work, make sure that officeholders are accountable to the Scottish Parliament. Officeholders are responsible for day-to-day functions. All officeholders are subject to external audit and must also lay their annual reports and strategic reports before the Scottish Parliament.
3. In December 2021 Audit Scotland published a Section 22 report on an SPCB-supported office holder, the Commissioner for Ethical Standards in Public Life in Scotland (ESC). Section 22 reports are prepared if there are any specific concerns or issues that have been identified in an audit of one of the public bodies for which the Auditor General for Scotland is responsible.
4. The AGS made recommendations about oversight of the Commissioner. The SPCB considered these recommendations and in September 2022 the Presiding Officer wrote to the Conveners Group to propose a written agreement to set out the respective roles of the SPCB and committees in relation to officeholders.
5. The Public Audit Committee also considered the relationship between the SPCB and the committees that scrutinise officeholders as part of their work looking at the 2020/21 audit of the Commissioner for Ethical Standards in Public Life in Scotland. Following this work, the Public Audit Committee wrote to the Presiding Officer to ask for more information on the steps the SPCB was taking to strengthen this relationship.
6. These letters are attached as **Annexe B**.

Next steps

7. Officeholders are not subject to direction or control of the SPCB or the Parliament.
8. A written agreement between Conveners Group and the SPCB is intended to clarify the responsibilities of committees, the SPCB and officeholders themselves. It seeks to strike a balance between maintaining an overview and accountability of officeholders while respecting their operational /functional independence. As well as encouraging effective scrutiny this agreement will also make clear that information can be shared between committees and the SPCB where appropriate which will make it easier for concerns to be shared.
9. A proposed written agreement is attached in **Annexe C**.
10. In addition to the written agreement, work is underway on guidance and advice for officials to raise awareness of the importance of this scrutiny work. This will cover guidance for clerking teams, a programme of meetings between committee clerks and the SPCB secretariat to discuss the work of officeholders and examples of best practice or suggested approaches for committee scrutiny.
11. The written agreement along with these arrangements at official level are intended to strengthen the overall governance of officeholders.

Recommendation

12. **The Group is invited to consider and approve the written agreement. In so doing, the Group may wish to review arrangements after 12-18 months to assure itself that governance arrangements have been strengthened.**
13. **If the Group is content to approve the written agreement, the Convener will respond to the Presiding Officer.**

Annexe A**Current list of independent officeholders**

Officeholder	Committee(s)
Scottish Public Services Ombudsman	Local Government, Housing and Planning
Scottish information Commissioner	Standards, Procedures and Public Appointments
Children's Commissioner	Education, Children and Young People
Ethical Standards Commissioner	Standards, Procedures and Public Appointments
	Local Government, Housing and Planning
Scottish Human Rights Commission	Equalities, Human Rights and Civil Justice
Standards Commission	Local Government, Housing and Planning
Scottish Biometrics Commissioner	Criminal Justice

Annexe B**Letter from Presiding Officer to Chair of Conveners Group****Committee oversight of SPCB supported officeholders****23 September 2022**

I am writing to you on behalf of the Scottish Parliamentary Corporate Body (SPCB) regarding the oversight of independent officeholders supported by the SPCB. These offices provide an important role for the public in the delivery of regulatory services and promoting and protecting rights.

As you might know, the Auditor General for Scotland (AGS) published a Section 22 report last December following the audit into the office of the Commissioner for Ethical Standards in Public Life in Scotland (ESC). The Commissioner is supported and funded by the SPCB. The AGS made some recommendations about the oversight of the Commissioner and stated

“Significant improvements are needed for the Commissioner’s Office to provide effective strategic leadership, fulfil its statutory role and restore confidence in the effectiveness of this essential public office. There is also a pressing need to rebuild and re-establish relationships with bodies that provide external oversight, including the Standards Commission, the SPCB and Committees of the Scottish Parliament. Controls and processes designed to ensure challenge and scrutinise activities throughout the year should be introduced as a matter of urgency”

The SPCB has responsibility for overseeing the governance arrangements of the officeholders it supports and is also the funding body. At present we have 7 such officeholders. The SPCB’s role includes determining the salary and terms of appointment of an officeholder, agreeing the terms and conditions of their staff, office location and sharing of services.

Each officeholder, in respect of their statutory functions, is independent of the government, the SPCB and MSPs. However, they are accountable to the Parliament on how they exercise their functions, through the laying of reports and committee scrutiny. By way of background, over the years there have been committee inquiries as well as reviews by external bodies/ individuals into the oversight of officeholders. There was a consistent theme in the recommendations reached in each of these reports, which was the importance of committee scrutiny. As a result, Standing Orders were changed some time ago to make provision for committee scrutiny.

Over the years, some officeholders have been subject to regular invitations from committees to discuss their annual reports, whereas some other officeholders have made no appearances before committees. We recognise that this can be for several reasons, not least the workload of committees. It could also be that some committees may not be aware of their role in relation to the SPCB supported

officeholders and, of course, we recognise that the remit of some of the officeholders overlaps some committees.

As mentioned above, the Section 22 report commented on the lack of scrutiny of the Commissioner and made a number of recommendations, some of which are for the SPCB to address, however, some are for the Parliament in its oversight role of officeholders. In the light of this report, the SPCB considers now might be an appropriate time to try and address its role and that of committees.

We would like to propose, in consultation with and subject to the view of conveners, a Written Agreement between the SPCB and committees on their relationship with officeholders. This could set out the governance role the SPCB has and the role of committees in scrutinising officeholders and it could also cover which committee would be responsible for scrutinising which officeholder.

I have also attached as an annex to this letter, a list of the officeholders the SPCB supports together with details of which committees currently engage with the officeholders. I have also highlighted an officeholder whose functions do not seem to sit with any specific committee, and I would welcome any views from the Conveners' Group about which committee should be the lead committee for the respective officeholder. We also recognise, of course, that the Finance and Public Administration and Public Audit Committees could also have a wider overarching view.

I would be grateful if the Conveners' Group could consider this proposal and feedback any comments. SPCB officials could then work alongside committee clerks to prepare a template for the Written Agreement.

I would, of course, be happy to discuss this matter further with you.

Letter from Convener of Public Audit Committee to Presiding Officer

The 2020/21 audit of the Commissioner for Ethical Standards in Public Life in Scotland

21 October 2022

The Public Audit Committee thanks the Scottish Parliamentary Corporate Body (SPCB) for giving evidence arising from the abovementioned report at its meeting on 28 September 2022.

The Committee recognises that the SPCB has taken the findings raised in this highly critical report seriously, and that action is being progressed to respond to the recommendations that apply directly to the functions and powers of the corporate body. We are also aware that wider work is being undertaken by the SPCB to enhance the governance arrangements that are in place for officeholders it supports.

While this is welcome, the Committee notes that much of this work is currently in development. It therefore seeks further reassurances about the implementation of plans it heard about during the oral evidence session.

For example, in response to the question of committee scrutiny of officeholders, reference was made to correspondence you recently issued to the Conveners Group. This sought support in principle to a written agreement setting out the role of the corporate body and the role of committees and what functions they could take, in their scrutiny of officeholders. During the evidence session, the Committee asked to be kept updated on the outcome and looks forward to hearing from you on this point in due course.

We note that the Clerk/Chief Executive accepted that in session 5, the SPCB did not routinely seek confirmation that committee scrutiny of all officeholders was taking place. We also note that Maggie Chapman MSP stated that the SPCB wanted to have–

“a stronger relationship between the corporate body and the committees that scrutinise the functions of officeholders. I would welcome the continuation of that process”.

The Committee therefore asks what steps, beyond the written agreement referred to above, the SPCB is undertaking to address this practice in session 6, including how it is seeking to build stronger relationships with committees.

We also asked the SPCB about the annual independent evaluation process for officeholders, including what this process involved and how timely action can be taken if issues are highlighted before the review is scheduled to take place. A commitment was made during the meeting to ensure that governance arrangements are part of the review process, as well as the suggestion that more regular advisory audit board engagement could be applied. The Committee would be grateful if further detail could be provided on how this will be taken forward.

As you will be aware, one of the findings of the report was that staff were not fully equipped to fulfil the Office's statutory functions and that a formal training programme for all staff, as well as workforce planning arrangements should be introduced. The Committee understands that the SPCB had plans to consider a business case from the Commissioner for Ethical Standards in Public Life in Scotland imminently, which included a detailed workforce plan and a request for additional resources. The Committee would welcome an update on the outcome of these considerations.

Recognising that much of the SPCB's work to enhance governance structures and arrangements is ongoing, the Committee also wishes to reinforce the point made during the evidence session, in that an independent review of this work should be undertaken at the appropriate juncture.

We have now closed our scrutiny of this report. We await with interest your response, which we may then consider drawing to relevant parliamentary committees' attention who hold within their remit the ability to undertake scrutiny of SPCB supported officeholders, if we consider this to be appropriate.

Annexe C**Proposed Written Agreement****Written agreement relating to Parliamentary-funded officeholders****Introduction**

This Written Agreement between the Scottish Parliamentary Corporate Body (SPCB) and the Scottish Parliament's committees is intended to clarify the respective roles and responsibilities of the SPCB and relevant committees in the oversight of Parliament-funded officeholders. It sets out a robust governance role for the SPCB and promotes effective scrutiny by committees of how Officeholders carry out their functions. While the Agreement supports a clear separation of roles, there is scope, where relevant and appropriate, for SPCB staff and committee clerks to engage over common issues.

Background information

The Parliament/ Scottish Parliamentary Corporate Body (SPCB) oversees the following officeholders:

- The Scottish Public Services Ombudsman
- The Scottish Information Commissioner
- The Commissioner for Children and Young People in Scotland
- The Commissioner for Ethical Standards in Public Life in Scotland
- The Scottish Human Rights Commission
- The Standards Commission for Scotland
- The Scottish Biometrics Commissioner

The legislation establishing the officeholders provides that in the exercise of their functions (except where otherwise provided) they are not subject to the direction or control of the SPCB, any member of the Scottish Government or any member of the Parliament.

The role of the Scottish Parliament Corporate Body

The SPCB has a governance role for officeholders, covering areas including setting the terms of appointment of the officeholder; agreeing staff terms and conditions proposed by an officeholder, office location and approval of an annual budget. Along with committees, the SPCB is also consulted on the strategic plans for each officeholder.

The SPCB makes provision for personal accountability through annual evaluations and it scrutinises officeholders in relation to their financial accountability.

To fulfil its duties, the SPCB has put in place practical governance arrangements for the officeholders.

Officeholders are provided with an appointment letter when they take up office setting out their terms and conditions of appointment. It also sets out their functions and that it is a matter for them to familiarise themselves with their statutory powers and all other statutes applying to their office and to undertake any necessary personal development to ensure they can fulfil their functions and duties.

They receive an Accountable Officer letter and a detailed Memorandum setting out their duties. This appointment is a personal one and cannot be delegated to others. Accountable officers are directly answerable to the Parliament in the exercise of the following functions:

- a) signing their accounts of their expenditure and receipts;
- b) ensuring the propriety and regularity of their finances; and
- c) ensuring that their resources are used economically, efficiently and effectively.

The Memorandum sets out what governance arrangements should be in place including a sound system of internal control, strong corporate governance arrangements and access to an Advisory Audit Board for independent advice on their corporate governance and risk and financial management performance arrangements and internal control systems. Arrangements should also be made for internal audit which should accord with the latest standards and practices.

Officeholders Finance Manual – This sets out in detail a framework within which the accountable officer, and the SPCB, as the funding body, are required to operate to ensure that appropriate funding is available to enable them to undertake their statutory functions.

Officeholders Framework Document – This supports the efficient administration of the relationship between an officeholder and the SPCB. It sets out the roles and responsibilities which underpin the relationship and forms a key part of the accountability and governance framework.

How does the SPCB satisfy itself about the governance arrangements?

To support the SPCB in its governance role there are various means of assurance.

The primary one is external audit. This is undertaken by Audit Scotland.

The SPCB contracts with an independent assessor who evaluates each officeholder annually and prepares a report. In undertaking the assessment, the assessor will use several sources of evidence – such as annual reports, performance indicators, committee appearances and an interview. Engagement with the assessor is a term of appointment.

The SPCB ensures that all officeholders have an Advisory Audit Board. This provides officeholders with advice and support relating to the governance and financial performance of the office.

It is a formal requirement that all officeholders provide the SPCB's accountable officer with a certificate of assurance that they have followed good governance practices and provide assurances that there are no significant matters arising from an officeholder's annual accounts. They also provide an assurance that there are sound systems of internal controls and that they are working well. It is expected that these certificates are discussed with the external auditors prior to being submitted.

Six monthly finance meetings are held with the officeholders' staff to discuss budgets, forecasting, contingency funding and the shared services agenda.

The role of Scottish Parliamentary Committees

Scottish Parliamentary committees hold officeholders to account, in the exercise of their functions, on the Parliament's behalf. Committee work related to officeholders can include the scrutiny of annual and strategic reports prepared by the supported bodies, which are referred to the relevant committee(s) by the Clerk/Chief Executive. It is for committees to decide the frequency and level of scrutiny they undertake in relation to how the officeholders within their respective remits carry out their duties. Parliamentary is essential in ensuring public accountability of officeholders. Committees should therefore ensure their engagement with officeholders is meaningful and effective as an important part of ensuring their accountability to the Scottish Parliament.

Committees do not have a governance role in respect of officeholders, although they may consider governance arrangements as part of their scrutiny work. Committee scrutiny work focusses on how officeholders are carrying out their functions at a high level and is not intended to review, direct or control specific decisions or actions. These are properly matters for officeholders.

The role of officeholders

Officeholders have operational independence in carrying out their functions. Officeholders report to the Parliament through annual reports and as appropriate other ad-hoc reports. Officeholders can also engage and input with any committee consultations

Concerns or complaints about officeholders

All officeholders have terms of appointment approved by the SPCB which include the requirement to abide by a code of conduct.

Functional decisions taken by an officeholder are deemed final and can only be challenged through the courts given the statutory independence of their office.

External stakeholders with concerns about the governance of a supported body can contact the SPCB secretariat to highlight their concerns.

External stakeholders with concerns about the conduct of a supported body can share evidence of their concerns with the relevant committee(s) to inform their scrutiny work. Where relevant and appropriate, information on the work of officeholders will be shared between the SPCB and parliamentary committees.

Annexe – Current SPCB-supported officeholders and relevant committees

Officeholder	Committee(s)
Scottish Public Services Ombudsman	Local Government, Housing and Planning
Scottish information Commissioner	Standards, Procedures and Public Appointments
Children’s Commissioner	Education, Children and Young People
Ethical Standards Commissioner	Standards, Procedures and Public Appointments
	Local Government, Housing and Planning
Scottish Human Rights Commission	Equalities, Human Rights and Civil Justice
Standards Commission	Local Government, Housing and Planning
Scottish Biometrics Commissioner	Criminal Justice

Conveners Group

1st Meeting, 2023 (Session 6), Wednesday 25 January 2023

Progress Report on CG Session 6 Strategic Priority: net zero scrutiny

Introduction

1. The purpose of this paper is to update the Conveners Group on progress being made in taking forward the Group's agreed actions as part of its strategic priority on net zero scrutiny.

Context

2. Climate change and net-zero are complex scientific, socio-economic and environmental issues, and so require whole-society solutions. In their [7 December 2022 report to the Scottish Parliament](#), the Climate Change Committee concluded that in the Scottish Government:

“There is little evidence of cooperative policy planning, which is now undermining the achievement of Scotland's more ambitious short-term goals.’.

3. As discussed at Scottish Parliament sponsored COP26 events, this lack of policy coherence is mirrored by the challenges faced by the parliament, and parliamentary committees, in delivering effective scrutiny of the Scottish Government on these issues - the challenge of scrutiny coherence.
4. How to approach these issues from the perspective of committees was the subject of Conveners Group discussion in [April 2022](#), and then in [June 2022](#) the Conveners Group agreed seven initial actions. These, and an update on progress, are detailed in Table One below.
5. These actions were agreed in the context that the Net Zero, Energy and Transport Committee (NZET) Committee plays a leading role, but also supports other committees in effectively embedding climate scrutiny in their own work. This is beginning to play out with a number of committees using Conveners Group work to inform their own approaches and work programme development.
6. The Scottish Parliamentary Service is tasked with supporting delivery of these actions, in the context of wider support for MSPs, their staff and staff

of the parliament. This helps the parliament meet its own statutory public duties on climate change and sustainable development.

Update on Conveners Group Agreements

Table One – Update on Conveners Group Agreed Actions

	Action	Update
1	UK Climate Change Committee (CCC) to be invited to the Conveners Group on annual basis	Chris Stark, Chief Executive, presented to Conveners Group on 26 October 2022. This included agreements to hold such a meeting annually and offers to work with committees across Parliament. Following on from this Mr Stark presented at a work programme discussion for the Economy and Fair Work Committee.
2	Commission research on climate change and net zero related to committee remits (mix of SPICe, commissioned, adviser)	Initial scoping underway – priority actions have included initial support for Net Zero, Energy and Transport Committee; Economy and Fair Work Committee; Local Government and Communities Committee; Covid-19 Committee and Rural Affairs, Islands and Natural Environment Committee. Bespoke briefings remain to be commissioned for all committees.
3	Ask Scottish Government for emissions data by committee portfolio	DPO sent letter to Scottish Government on 6 October with this request. Reply received 1 November indicates Scottish Government happy to open discussions, but suggesting Parliament should lead, as Scottish Government does not have resource. The correspondence is attached in Annexe A. Scottish Parliament officials to follow up with Scottish Government, but also initiated discussions with Committee on Climate Change on this issue.
4	Consider ways to strengthen parliamentary processes	Conveners Group has written to SPPA Committee inviting it to consider reviewing Standing Orders to require the Scottish Government

		to make available information necessary to support commitments to deliver against net zero targets in relation to the provision of information required to support effective scrutiny of net zero issues. The SPPAC is invited to take this work forward in collaboration with NZET Committee. The letter is attached in Annexe B.
5	Climate change / net zero adviser as shared committee resource	Officials supported recruitment of new Climate Change/Net Zero adviser to Net Zero, Energy and Transport Committee. In addition to work with SPICe developing Net Zero, Energy and Transport Committee strategic approach to climate scrutiny, the adviser has supported work programme discussion at Economy and Fair Work Committee and has met the Convener of Local Government and Communities Committee, with a view to supporting the committee's work programme and approach to business planning day.
6	Continued rollout of Sustainable Development Impact Assessment Tool	Tool offered to all committees through Conveners Group and some individual work programme discussions. Has been run at official level on National Care Service Bill and suggested as part of approach to upcoming Agriculture Bill. Related PhD published, and available in SPICe.
7	Capacity building for MSPs, their staff and staff of the Parliament	Has included promoting Royal Scottish Geographical Society Course to MSPs, their staff and staff of the Parliament as part of Climate week w/c 26 September.

Forward Look

7. As well as continuing to deliver on the specific Conveners Group actions, the next 3 months will see continued building of the model for parliamentary scrutiny, alongside dealing with reactive and ad-hoc approaches from MSPs,

committee clerks and others interested in this work. This also includes updating contributions to the clerking guidance on committees. It includes sharing our learning with other parliaments and exploring official partnerships with the other legislatures in the UK on these issues. The latter includes how we may interact with the new ESRC backed Thematic Research Leads now employed at the UK Parliament – including on climate change.

Recommendation

8. The Conveners Group is invited to note the contents of this report.

**Conveners Group Clerking Team
December 2022**

Annexe A**Letter from Chair of Conveners Group to Cabinet Secretary for Net Zero, Energy and Transport: 6 October 2022**

At its meeting on 22 June 2022, the Scottish Parliament Conveners Group agreed a number of actions as part of the Group's strategic priorities this session. These are designed to enhance cross-committee scrutiny of climate change and net zero issues, in the wider context of sustainable development. This followed a wide-ranging discussion on these issues at its meeting in April 2022.

The Group recognises the challenges involved in scrutinising these complex issues and has identified this as a matter of high priority for the Parliament to ensure that effective scrutiny of net zero issues can be carried out. This clearly impacts across all portfolios and so the Group explored ways to facilitate this important work.

The Group has agreed a number of measures which aim to embed the scrutiny of net zero and climate change policy within the work of committees. These are—

1. Invite the UK Climate Change Committee to Conveners Group on an annual basis
2. Commission research on climate change and net zero related to committee remits (mix of SPICe, commissioned, adviser)
3. Request, from Scottish Government, emissions data by committee portfolio
4. Consider ways to strengthen parliamentary processes
5. Appoint a climate change / net zero adviser as shared committee resource (appointed through NZET Committee)
6. The continued rollout of the Scottish Parliament [Sustainable Development Impact Assessment Tool](#)
7. Capacity building for MSPs, their staff and staff of the Parliament

Many of these actions are about increasing understanding and capacity building across all committees – and to identify and resolve any scrutiny gaps. In that context I am writing in particular to take forward action number 3 above – to ask if the Scottish Government can provide greenhouse gas emissions data broken down by committee portfolios.

It is recognised that emissions are normally reported using categorisations reflecting international and national reporting – categories which also form the structure of the Scottish Climate Change Plan. However these do not support parliamentary committees when they are seeking to understand the impact of the portfolios they scrutinise.

The provision of specific emissions data for each portfolio area would help committees understand impact and trends in their remit or help them to

identify data gaps. To be of most value it would be helpful if this data could be provided on an annual basis.

In order to progress this, can I suggest that it might be helpful in the first instance if Parliament officials discuss with your officials the technical details about the information which is being sought.

As further context, I attach the paper for the Conveners Group meeting on 22 June which sets out these measures.

I hope you are able to support us in seeking this information.

Letter from Cabinet Secretary for Net Zero, Energy and Transport to Chair of Conveners Group to: 1 November 2022

Thank you for your letter dated 6 October on behalf of the Scottish Parliament Conveners Group.

I welcome the decision of the Group to take forward actions to enhance cross-committee scrutiny of climate change and net zero issues and the opportunity this raises for Parliament to build upon the work being done through the Joint Budget Review on matters related to climate and other activities.

In its letter, the Group specifically requests that Scottish Government provide emissions data, categorised according to committee portfolio. Scottish Government is happy to support this endeavour by offering Parliament officials an initial session or workshop to introduce the currently-available emissions data, but note that the information is not currently available on the specific basis requested and will require additional processing to categorise the data by portfolio. This subsequent work would sit most appropriately with Parliament officials.

The data, held in the Scottish Greenhouse Gas Emissions Inventory, is not currently presented in a portfolio-by-portfolio way. Generating such a categorisation would encounter numerous 'boundary' issues (ie which emissions to allocate to which portfolio) that are best judged by Parliamentary colleagues. It is also unclear the extent to which the necessary mapping of emissions to portfolio could be achieved from the existing data or whether additional analysis would be required to arrive at a satisfactory breakdown. Again, these choices are most appropriate for Parliamentary colleagues to make.

To take this approach forward, I suggest Parliamentary officials contact my officials and they can advise on options and possible approaches.

Once again, I welcome this initiative to improve Parliamentary scrutiny and look forward to hearing more as the work of the Group progresses.

Annexe B**Letter from Chair of Conveners Group to Convener of Standards, Procedures and Public Appointments Committee: 15 December 2022**

You will recall that earlier this year, Conveners Group discussed how the Parliament can strengthen net zero scrutiny arrangements in session 6.

The Group examined ways to facilitate and support the work of individual committees, as well as achieving a consistency of approach and support across committees. Following discussion, CG agreed to take forward a series of measures intended to make it easier for committees to prioritise climate change and net zero scrutiny.

To inform scrutiny in all policy areas this included the provision of information required to support effective scrutiny. For this reason, these measures include receiving expert advice, such as from the UK Committee on Climate Change, in order to embed net zero scrutiny into inquiry work.

The Group noted that it was important that the Scottish Government was able to provide essential data to facilitate this scrutiny work. With this in mind, you will have seen the correspondence that I have had with the Cabinet Secretary for Net Zero requesting better information on this; the Group will return to this at our meeting later this month.

On a related topic, the Group previously agreed that there may be merit in exploring possible procedural options which could be used to require the Scottish Government to make available information necessary to inform the scrutiny process, particularly to support commitments to deliver against net zero targets.

The current standing orders requires that the policy memorandum includes an assessment of the effects, if any, of the Bill on equal opportunities, human rights, island communities, local government, sustainable development and any other matter which the Scottish Ministers consider relevant.

Clearly public policy has moved on since our standing orders were drafted particularly in terms of net zero targets. In order to support bill scrutiny work the rules governing the provision of information on the introduction of legislation may merit further investigation to examine whether the level and type of information provided to the Parliament has kept pace with public policy commitments and societal expectations. Equally, as well as looking at the type and nature of information that Government should be expected to provide as part of the legislative process, there may also be scope for parliamentary officials, to consider how they can best provide analysis to support the work of committees.

This is something that your committee may wish to consider. Though of course it is for you and your committee to decide whether to take forward, including whether this is something that could be explored jointly with the NZET Committee.

Whatever you decide to do, I hope that we can work productively together with you and your committee colleagues to find ways in which we can best take forward this important scrutiny work.