



The Scottish Parliament
Pàrlamaid na h-Alba

Conveners Group

Agenda

8th Meeting, 2023 (Session 6) Wednesday 25 October 2023

The group will meet at 12.15pm in Committee Room 2.

1. **Minutes**
2. **UK Climate Change Committee:** Evidence session with Chris Stark, Chief Executive of the UK Climate Change Committee.
3. **Cross committee working - CG Session 6 Strategic Priority:** The Group will receive an update on the cross-committee work on the Scottish drugs death taskforce.
4. **Participation, diversity and inclusion – CG Session 6 Strategic Priority:** The Group will be invited to agree the subject of the next citizens panel focusing on post legislative scrutiny.
5. **Scottish Parliament committees and Scottish Government Protocol:** The Group will consider a proposal to review the protocol between Scottish Parliament committees and the Scottish Government.

The papers for this meeting are as follows –

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|--|-----------------|
| 1. Minutes of last meeting | CG/S6/23/7/M(P) |
| 2. SPICe briefing: Climate Change Committee | CG/S6/23/8/1 |
| 3. Joint committee on the drugs death taskforce | CG/S6/23/8/2 |
| 4. Topic selection for citizens panel | CG/S6/23/8/3 |
| 5. Protocol between committees and the Scottish Government | CG/S6/23/8/4 |

Committee debates this Parliamentary year

1	21/09/2023	Criminal Justice Committee	Tackling online child abuse, grooming and exploitation
2	26/10/2023	Citizen Participation & Public Petitions Committee	Embedding Public Participation in the work of the Parliament
3	7/11/2023	Net Zero, Energy & Transport Committee	A Modern and Sustainable Ferry Service for Scotland
4	16/11/2023	Constitution, Europe, External Affairs & Culture Committee	Culture in Communities: The challenges and opportunities in delivering a place based approach
5	28/11/2023	Health, Social Care & Sport Committee	Female participation in sport and physical activity
6	12/12/2023	Equalities, Human Rights & Civil Justice Committee	Asylum Seekers in Scotland
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Contact details for the clerk

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Conveners Group

8th Meeting, 2023 (Session 6), Wednesday 25 October 2023

Session 6 Strategic Priority: Net zero scrutiny

Introduction

1. Members will recall that one of its agreed actions under its strategic priority on net zero scrutiny is to invite the UK Climate Change Committee to attend a meeting of the Group on an annual basis. The intention of these meetings is to inform subject committees on net zero scrutiny in their policy areas.
2. The first of these meetings with the CCC took place on 26 October 2022. The next one will take place at this meeting with Chris Stark, Chief Executive of the CCC, attending the meeting to update the Group on recent developments.

Next steps

3. The attached SPICe briefing provides background to the issues and suggests areas that the Conveners Group may wish to explore at the meeting.

Recommendation

4. **The Conveners Group is invited to note the attached briefing.**

**Conveners Group clerking team
October 2023**

Conveners Group

8th Meeting, 2023 (Session 6), Wednesday 25 October 2023

Cross-committee working; session with the Climate Change Committee

Context

1. Climate change and net-zero are complex scientific, socio-economic and environmental issues, and therefore require whole-society solutions. This is reflected in the challenges faced by parliament, and parliamentary committees, in delivering effective scrutiny of the Scottish Government.
2. The scrutiny of climate change (the issue) and achieving net zero greenhouse gas emissions (the policy response) falls within the Conveners Group's commitment to encourage, facilitate and drive forward cross-committee working. These issues were identified by the Conveners Group as a strategic priority for this session.
3. 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:
 - UK Climate Change Committee (CCC) to be invited to the Conveners Group on an annual basis
 - To commission research on climate change and net zero related to committee remits (mix of SPICe, commissioned, specialist adviser)
 - Ask Scottish Government for emissions data by committee portfolio
 - Consider ways to strengthen parliamentary processes
 - Climate change / net zero adviser recruited as shared committee resource
 - Continued rollout of Sustainable Development Impact Assessment Tool
 - Capacity building for MSPs, their staff and staff of the Parliament
4. These were agreed in the context that the Net Zero, Energy and Transport Committee (NZET) Committee plays a leading role, but also legitimises and supports other committees in effectively embedding climate scrutiny in their own work. The Scottish Parliamentary Service is tasked with 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. This new parliamentary model for delivery [is explored in a recent SPICe blog](#).

5. An update of progress being made in taking forward the Group's agreed actions as part of its strategic priority on net zero scrutiny was presented in [February 2023](#) and [June 2023](#).
6. A key development since June 2023 is the recruitment of a Knowledge Exchange Manager – Climate Change Scrutiny. Fully funded at 1 FTE for two years by the Economic and Social Research Council (ESRC), the post is a collaboration between the Scottish Parliament, University of Edinburgh as host institution and the universities of Glasgow, Strathclyde and Stirling, who along with Edinburgh hold an ESRC Impact Acceleration Account (IAA). The post holder will start in November 2023 and will develop and deliver activities to extend and diversify use of evidence and experts in the Scottish Parliament in the area of climate change. They will also support capacity building on policy engagement with the Scottish Parliament across all Scottish Higher Education establishments.
7. A further detailed update against all seven actions and the model for delivery will be provided at a future meeting.

Climate Change Committee

8. Delivering against Conveners Group action 1 (above) this session is being held with Chris Stark, Chief Executive of the CCC. The CCC is an independent, statutory body established under the UK Climate Change Act 2008 to advise the UK and devolved governments on emissions targets and to report to Parliament on progress made in reducing greenhouse gas emissions and preparing for and adapting to climate change. It publishes Scotland and UK specific reports. The NZET Committee last heard from the CCC in [December 2022](#) – on their annual report to the Scottish Parliament on statutory target progress.
9. On 26 October 2022, Chris Stark attended the Conveners Group meeting, which was held in private, and provided information on the following:
 - Why climate change and net zero are issues for all committees
 - Importance of climate change and net zero policy and related legislation being scrutinised in effective cross-committee ways
 - How access to external expertise such as the CCC and academia can support cross-committee parliamentary scrutiny
 - Which policy areas would most benefit from enhanced scrutiny
10. At this session he also offered to talk to individual subject committees about climate change in relation to their remits, and has subsequently spoken to the Economy and Fair Work Committee.

Purpose of the session

11. This session with Chris Stark builds on last year's discussions around the vital role of parliaments in the climate emergency. Chris will outline his views on this, and also cover:

- An update on climate science and the effects of climate change
- Scotland's progress in implementing climate adaptation and mitigation policies and in achieving relevant targets, including some sectoral analysis
- The impact of recent changes to UK Government targets in key areas i.e., transport and heating
- Forthcoming scrutiny opportunities, including the Scottish Budget, upcoming bills, and the Climate Change Plan

Format and themes for questioning

12. Chris will make a short introductory contribution, before moving to questions. Conveners might like to explore:

- Whether the CCC can offer any observations on how well the Scottish Government and agencies are structured to deliver mitigation and adaptation ambitions
- From the CCC's perspective, which public policy areas require more effective scrutiny
- Given the cross-cutting nature of many relevant sectors, how should committees effectively deliver such scrutiny if issues straddle remits?
- How committees and convenors could most effectively collaborate with other legislatures, both in the UK and further afield?

Alasdair Reid
Senior Researcher, SPICe Research
6 October 2023

Conveners Group

8th Meeting, 2023 (Session 6), Wednesday 25 October 2023

Session 6 Strategic Priority: Cross committee working

Introduction

1. The purpose of this paper is to provide an update to the Conveners Group on progress being made on cross-committee working, specifically the work by three committees to take forward joint scrutiny of drugs policy.

Background: cross-committee strategic priority

2. Conveners will recall that one of its strategic priorities this session is to encourage greater cross-committee scrutiny.
3. This is in recognition that policy areas and remits have become increasingly complex over the sessions. The cross-cutting nature of public policy means that there are many areas of scrutiny which would benefit from a cross-committee perspective.
4. The majority of the Conveners Group's work in this area has focused on post-EU scrutiny and net zero scrutiny.
5. However, cross-committee working also includes joint scrutiny in complex policy areas as well as scrutiny of issues such as the National Performance Framework or the National Planning Framework.
6. An example of scrutiny in complex policy areas is the work on drugs deaths taskforce being carried out jointly by the Criminal Justice Committee, the Health Social Care and Sport Committee, and the Social Justice and Social Security Committee.
7. This paper provides an update on this joint scrutiny work.

Cross-committee work on the implementation of the Scottish Drug Deaths Taskforce recommendations

8. The focus of the cross-committee remit is:

To consider the progress made on the implementation of the recommendations of the Scottish Drug Deaths Taskforce.

9. Three committees are involved in this work:
 - Criminal Justice;
 - Health, Social Care and Sport; and
 - Social Justice and Social Security committees
10. The Scottish Drug Deaths Taskforce was formed in 2019 by the Scottish Government. Since then, it has made several recommendations to a range of stakeholders, with some dating from April 2020. This includes the Scottish Government, the Lord Advocate, Police Scotland, the Scottish Prison Service, Health Improvement Scotland and the NHS. These recommendations relate to a wide range of topics that the Taskforce believe would have a positive impact on tackling the drug problem faced in Scotland and ultimately save lives.
11. The Criminal Justice Committee held a [roundtable evidence session](#) on problem drug use on 27 October 2021.
12. The Committee heard that:
 - there was an urgent need for action to be taken on the recommendations of the Taskforce;
 - it was time to see the outcomes from its work; and
 - Parliament should provide scrutiny of the impact of the Taskforce's work across the relevant portfolio areas.
13. The Drug Deaths Taskforce was formed in July 2019 and concluded its work on 21 July 2022.
14. It was the view that the Parliament should provide scrutiny of the impact of the Taskforce's work across the relevant portfolio areas that ultimately led to the decision that there was a need to look at drugs policy not just as a justice matter but also a health and social justice issue.

Approach

15. On 1 December 2021, the Criminal Justice Committee agreed to approach the members of the Health, Social Care and Sport Committee and the Social Justice and Social Security Committee with a view to holding a joint, public meeting in early 2022. The purpose was to take evidence from the relevant Scottish and UK Ministers and senior members of the Scottish Drug Deaths Taskforce on the progress made in delivering the Taskforce's recommendations and the remainder of its work.
16. The proposal was to have 3 or 4 representatives from each committee, depending on the number of parties represented on each, to keep numbers manageable and to ensure that all parties were represented.
17. While not all parties are represented on the three committees, the Conveners agreed at the outset that all political parties should be

represented and so agreed to invite a member of the Scottish Liberal Democrats to attend the meetings.

18. Following informal discussions between the clerks, their respective conveners, and between the three Conveners, it was agreed that the Criminal Justice Committee Convener, Audrey Nicoll MSP, would convene the initial meetings.
19. A paper outlining the approach was considered by each committee. The approach was agreed to, and the parties nominated who would attend the joint meetings.

Details of the approach taken

20. Following the first two meetings, where Members took evidence from the relevant Scottish and UK Ministers, Members discussed what further work they would like to undertake. The range of issues that could be scrutinised, actions that could be taken, and the follow-up work that Members thought necessary, was considerable.
21. An options paper was circulated for agreement. It proposed that some issues be followed up in writing, that a subject debate be requested as a means to cover issues outwith the remit of the three committees, and that Members consider any specific issues which fell within one committee remit be put forward for inclusion in that committee's work programme.
22. Members have met jointly five times since 1 February 2022 and scheduled a Chamber debate.
23. Members have taken evidence from:
 - UK and Scottish Ministers;
 - the former Chair of the Scottish Drug Deaths Taskforce;
 - those who are tasked with implementing the Taskforce's recommendations; and
 - people with lived experience during a visit to Aberlour mother and child unit, and during evidence taking.

The next meeting is scheduled for 2 November 2023.

Safer drug consumption rooms

24. An issue that Members considered from the outset was whether and how to introduce safer drugs consumption rooms in Scotland.
25. Ahead of the 26 September joint meeting, a request was made to the Lord Advocate to provide an update on her consideration of a pilot for a safer drugs consumption facility in Glasgow.
26. In her response of 11 September 2023, the Lord Advocate indicated that she:

“... would be prepared to publish a statement of prosecution policy to the effect that it would not be in the public interest to prosecute users of that facility in terms of section 5(2) of the Misuse of Drugs Act 1971 for simple possession offences committed within the confines of the facility.”

27. Although there are many reasons why a decision has been taken to establish a safer consumption room pilot, the initiative to meet jointly on a cross-committee basis and to build a cross-committee evidence base for consideration of such an initiative has played an important part in this decision.

Conclusion

28. This joint approach has proved to be an effective way to scrutinise a complex policy area.

29. Logistical challenges exist, such as availability of members as well as the capability of the systems in place to support this work. However, these issues should not deter this joint approach.

30. The Group will be invited to consider possible approaches to this kind of joint scrutiny at a future meeting.

Recommendation

31. The Conveners Group is invited to consider this report and consider possible complex policy areas which would benefit from this approach.

**Conveners Group clerking team
October 2023**

Conveners Group

8th Meeting, 2023 (Session 6), Wednesday 25 October 2023

Topic selection for post-legislative scrutiny people's panel

Introduction

1. The purpose of this paper is to invite the Conveners Group to consider the topic selection for post-legislative scrutiny people's panel as part of the Group's strategic priority on participation, diversity and inclusion (PDI).

Background

2. The Citizen Participation and Public Petitions Committee's recent report, *Embedding Public Participation in the Work of the Parliament*, recommended that "the Parliament (should) commit itself to further embedding deliberative democracy within its scrutiny function."
3. One of the recommendations in the report was to run two further people's panels between now and early/mid-2025, including one panel that would specifically focus on post-legislative scrutiny. The Committee agreed that it should have a role in relation to these pilots, which will help to inform a blueprint for deliberative democracy in session 7.

Conveners Group consideration

4. The Conveners Group will recall that as part of its consideration of its PDI strategy at its meeting on 20 September, the Group endorsed a set of principles to guide the choice of topic for deliberative panels. It agreed that officials should continue to explore proposed topics for a panel on post-legislative scrutiny and proceed with the one which has best fit with the principles and can realistically be delivered in February and March 2024.

5. The principles agreed by CG are:

Problem: The topic focuses on an issue that needs solved & would benefit from deliberative input. In the context of post-legislative scrutiny this means assessing if a review of the implementation and impact of an Act would benefit from consideration by a panel of informed and broadly representative members of the public.

Scope: The topic is sufficiently broad in scope; it is an issue that will affect various members of the public and have an impact on broader society

Framing: the topic can be posed as a question or in the form of a problem to solve. For example, is an Act achieving its intended purpose? Is it benefitting people in the way originally intended by lawmakers?

Timing: It is a timely topic - both the public and politicians are still in the process of forming opinions on the issue. In the context of post-legislative scrutiny, it would mean that the Act being scrutinised has the potential to be considered for amendment in the near future.

Impact: the topic is relevant to a current or forthcoming committee inquiry, committee members and staff see potential benefit from a deliberative panel and there is a commitment to considering and responding to the panel recommendations as part of the committee’s inquiry

Evaluation of potential topics

6. The Participation and Communities Team (PACT) has worked with clerks and SPICe researchers to identify 2 potential topics for a deliberative event to take place in February/March 2024.
7. PACT completed an initial assessment of two topics which were:
 - Climate Change (Scotland) Act 2009, Part 6 (91, 92, 93) (NZET Committee)
 - The Social Care (Self-directed Support) (Scotland) Act 2013 (Health, Social Care and Sport Committee)
8. PACT has assessed the topics against the principles using a Red, Amber, Green approach:

Red = does not align with the principle
 Amber = partial alignment with the principle
 Green = full alignment with the principle

Principle	Climate Change (Scotland) Act 2009	RAG	The Social Care (Self-directed Support) (Scotland) Act 2013	RAG
Problem	Proposal clearly highlights issue of implementation of the Act in relation to the duty of the Government to inform the public on the statutory targets and encourage the public to contribute to the achievement of those targets.		Proposal clearly highlights need for scrutiny to improve implementation of self-directed support and to close the implementation gap	

Scope	The issue of climate change and public contribution to meeting statutory targets clearly has impact on broader society		While it is true that many people receive care, support someone who receives care, or will in the future, the issue of how care is delivered (as opposed to how it is funded) may be better considered by those with lived experience rather than a broadly representative public panel. There is also a risk of SDS users feeling marginalised if they see a randomly selected group of people deciding how care could be shaped for a potentially vulnerable minority in society.	
Framing	Topic can be posed as a question for a deliberative panel		Topic can be posed as a question for a deliberative panel	
Timing	The issue of involving the public in contributing towards climate change targets is a live issue		The issue of SDS is a live issue	
Impact	The proposed panel can actively contribute to the Committee's PLS in this area and potentially inform other areas of scrutiny including the forthcoming Climate Change Plan		The proposed panel can actively contribute to the Committee's PLS in this area	

Consideration by Citizens Participation and Public Petitions Committee

- Based on the above assessment PACT recommended to the CPPP Committee on the 4 October 2023 that a people's panel should be used to support the NZET Committee's post-legislative scrutiny of the Climate Change (Scotland) Act 2009, Part 6 (91, 92, 93).

10. The CPPP Committee questioned the need for further engagement on climate change issues, especially as there have already been multiple deliberative exercises previously commissioned by the Scottish Government, the House of Commons, and others.
11. The Committee was informed that the Climate Change (Scotland) Act 2009, Part 6 (91, 92, 93), was still considered a rich topic for deliberative participation as the discussion around reducing emissions continues to dominate public discourse. The Committee was also advised that the proposed people's panel would focus specifically on the Scottish Government's work to inform the public on the statutory targets and encourage the public to contribute to the achievement of those targets.
12. PACT have also worked with the Health Social Care and Sport Committee to engage with a range of relevant stakeholders to ensure that public participation in post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013 can take place and enable lived experience to contribute to the Committee's exploration of the implementation of the Act.
13. Following these assurances, the CPPP Committee endorsed PACT's recommendation, favouring the bid by the Net Zero Committee for a Panel to inform post-legislative scrutiny of the Climate Change (Scotland) Act 2009.

Recommendation

- 14. The Conveners Group is invited to endorse the CPPP Committee's decision that a "people's panel" will be delivered to support the NZET Committee's post-legislative scrutiny of the Climate Change (Scotland) Act 2009, Part 6 (91, 92, 93).**

**Conveners Group clerking team
October 2023**

Conveners Group

8th Meeting, 2023 (Session 6), Wednesday 25 October 2023

Review of Scottish Parliament / Scottish Government Protocol on Handling of Committee Business

Introduction

1. During the Parliament's first year of operation, as committees learned how to conduct scrutiny and hold the then Scottish Executive to account, it quickly became apparent that there was a need for agreement between clerks and civil servants on a range of practical issues relating to correspondence, the sharing of information, timescales and confidentiality. Discussion among senior officials in 2000 led to the drafting of the first "protocol" on the handling of committee business.
2. This document was substantially revised in 2008-09 and given additional status by being signed off by the Conveners Group and by the Minister for Parliamentary Business – at which point, in the interests of transparency, it was published on the Parliament's website.
3. The same document is available on the Parliament's website today, in the section that explains how the Parliament works (under Rules and guidance): [Protocol on the handling of committee business | Scottish Parliament Website](#).

Next steps

4. As it has not been amended since 2009, the protocol is now out of date in a number of respects – in particular:
 - some of the bodies referred to have since been renamed – for example, the Office of the Scottish Parliamentary Counsel (OSPC) has become Parliamentary Counsel Office (PCO), and the Subordinate Legislation Committee (SLC) has become the Delegated Powers and Law Reform Committee (DPLRC)
 - some responsibilities have changed – for example, amendments to Bills and legislative consent memorandums are now lodged with the Parliament's Legislation Team, rather than with individual committee clerking teams.

5. There are other aspects of the protocol that could also be reviewed, to ensure they still reflect established practice and take account of experience over the last 14 years.
6. The final paragraph of the protocol reads: “The terms of this protocol will be kept under review, and if necessary, revised, in light of experience”.
7. The Conveners Group has “ownership” of the protocol on the Parliament’s side (it and the Minister for Parliamentary Business being the parties to the 2009 version).

Recommendation

8. **The Group is invited to give authority to Parliament officials to enter into a process of negotiation with their Scottish Government counterparts, aimed at revising and updating the protocol. The aim would be to have a new version of the protocol ready for the Group’s consideration and agreement by early next year.**

**Conveners Group clerking team
October 2023**