



The Scottish Parliament
Pàrlamaid na h-Alba

Conveners Group

Agenda

5th Meeting, 2024 (Session 6) Wednesday 26 June 2024

The group will meet at 12.45pm in Committee Room 3.

1. **Minutes**
2. **Travel outside of the UK:** As required under rule 12.1 of standing orders, the Group will consider the following requests for travel outside of the UK:
 - Constitution, Europe, External Affairs & Culture Committee: Travel to Brussels as part of its inquiry that will feed into the Review of the EU-UK Trade and Cooperation Agreement.
 - Finance and Public Administration Committee: Travel to Estonia as part of its ongoing work in relation to public service reform.
3. **Strategic priority, Net Zero:** The Group will receive an update on progress being made in taking forward agreed actions as part of its strategic priority on net zero scrutiny.
4. **Strategic priority, Post-EU scrutiny:** The Group will receive an update on progress and implementation of new scrutiny arrangements which are relevant to its strategic priority on post-EU scrutiny.
5. **Annual report:** The Group will consider its annual report for 2023/24

The papers for this meeting are as follows –

- | | |
|----------------------------------|-----------------|
| 1. Minutes of last meeting | CG/S6/24/4/M(P) |
| 2. CEEAC travel request | CG/S6/24/5/1 |
| 3. FPA travel request | CG/S6/24/5/2 |
| 4. Net Zero update | CG/S6/24/5/3 |
| 5. Post-EU scrutiny update | CG/S6/24/5/4 |
| 6. Conveners Group Annual Report | CG/S6/24/5/5 |

Committee debates this Parliamentary year

Debate no.	Date of debate	Committee leading the debate	Title of debate
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
7	09/01/2023	Constitution, Europe, External Affairs & Culture Committee	How is Devolution Changing Post-EU
8	14/03/2024	Social Justice and Social Security Committee	Addressing Child Poverty through parental employment
9	02/05/2024	Citizen Participation & Public Petitions Committee	Petition: create an Unborn Victims of Violence Act
10	23/05/2024	Public Audit Committee	Audit Scotland report, Adult mental health
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12	Intentionally blank	Intentionally blank	Intentionally blank

Contact details for the clerk

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Conveners Group
Wednesday 26 June 2024
5th Meeting, 2024 (Session 6)

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

Introduction

1. This paper updates the Conveners Group (CG) on progress being made in taking forward agreed actions as part of its strategic priority on net zero scrutiny. A previous update was provided in [June 2023](#) and an interim update in [March 2024](#). This paper provides a full annual update for June 2023 to June 2024.

Context

2. Climate change (the issue) and net zero (a policy response) are complex scientific, socio-economic and environmental issues, and so require whole-society consideration. In [April 2022](#) CG discussed how Parliamentary committees should approach these issues. In [June 2022](#) it agreed seven initial actions.
3. In agreeing these, CG also agreed that the Net Zero, Energy and Transport Committee (NZET) Committee plays the leading role, but also supports other committees in effectively embedding climate scrutiny in their work.
4. The Scottish Parliamentary Service (SPS) 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.
5. Progress in delivering this work was the subject of a SPICe Spotlight blog in January 2024: [Delivering a model for parliamentary scrutiny of climate change: drivers, actions and next steps](#).

Update on Conveners Group agreed actions

6. Progress on CG's seven agreed actions are listed briefly below. Where progress is marked Amber, more detailed information is provided in the next section. Where progress is marked as Green, further information is in [Annexe A](#).

Strategic priority	Status	Comment
1. UK Climate Change Committee (CCC) to be invited to the Conveners Group on annual basis	Green	The CCC provided an annual update to the CG in October 2023. In addition, the CCC have presented to the NZET Committee twice and delivered a SPICe seminar.
2. Commission research on climate change and net zero related to committee remits	Green	By the end of June 2024, research on the relevance of climate change to the policy areas across five subject committees will have been published, with one using approaches to diversify use of evidence and experts in its production. This means that the delivery milestone will have been met.
3. Ask Scottish Government for emissions data by committee portfolio	Amber	Some progress made, but driven by Parliament officials rather than Scottish Government.
4. Consider ways to strengthen parliamentary processes	Amber	There have been positive exchanges between NZET and SPPA regarding procedural change, supported by SPICe analysis. However, this work is still at a relatively early stage of Parliamentary investigation.
5. Climate change / net zero adviser as shared committee resource	Green	Dr Dan Barlow stepped down as Climate Change/ Net Zero adviser in October 2023, in order to take up his role in the Parliament as Knowledge Exchange Manager – Climate Change Manager. A new adviser, Dr Kirsten Jenkins, was recruited in January 2024. She is available, alongside SPICe, to talk to individual conveners or committees at any point.
6. Continued rollout of Sustainable Development Impact Assessment (SDIA) Tool	Amber	The SDIA Tool was used at official level to inform the scrutiny approach on the draft Land Reform Bill. However, evaluation suggests more work is needed to increase Members' and officials' awareness,

Strategic priority	Status	Comment
		and engagement with the Tool, alignment with scrutiny processes and access to facilitators.
7. Capacity building for MSPs, their staff and staff of the Parliament	Green	A variety of resources, activities and learning have been made available to MSPs, their staff and SPS staff to support scrutiny of climate change across different areas of work.

Action points not in green status

Ask Scottish Government for emissions data by committee portfolio (action point 3)

7. At both political and official level, the Scottish Government has been reluctant to commit to providing data broken down in this way, indicating that this is something the Scottish Parliament itself could consider doing. SPICe has since undertaken assessments and discussions with the new statistician in SPICe. This indicates that the vast majority of emissions are associated with the portfolios of four Committees (NZET, LGHP, RAI and EFW). Emissions data from existing official statistics from the Scottish Government can be broadly mapped against the remit for these four Committees.
8. In the absence of SG commitment to provide this data, this work could instead be progressed as part of the commissioned research (action point 2). This includes detailing emissions data in the blogs on climate change and net zero related to committee remits, and using narrative and available data to indicate the relevance of net zero to portfolio areas where emissions are not substantive. At the same time, officials would continue to explore other options with potential external partners.

Consider ways to strengthen parliamentary processes (action point 4)

9. There was an exchange of correspondence between CG and the SPPA Committee in 2023, with an initial suggestion of amending Standing Orders to require the Scottish Government to provide information necessary to support commitments to deliver against climate change challenges and net zero targets in certain situations (e.g. when lodging a Bill).
10. The SPPA Committee then wrote to the NZET Committee asking for its views on what type of information should be made available in Policy Memoranda to support scrutiny of the net zero impact of legislation. As the NZET Committee had not yet considered any primary legislation, it decided to use the Circular Economy (Scotland) Bill as a test case. To complement this work, and ensure a broader base of analysis, clerks and SPICe also undertook desk-based research, considering the quality of information on net zero currently being provided in Policy Memoranda, in five Scottish Government Bills introduced over the

previous 8 years. NZET wrote to the SPPA Committee in [April 2024](#) to share its findings and tentatively suggest next steps.

11. NZET concluded that it was not in a position to provide an authoritative response, as more dialogue and evidence-gathering would be needed. However, NZET strongly suggested keeping on the table the option of amending Standing Orders so as to impose a more specific requirement about the information to be provided in relation to the estimated carbon emission impact of new legislation.
12. In the meantime, NZET recommended that there should be dialogue with the SG about improving the consistency and depth of information they provide to the Parliament on the net zero impact of newly introduced legislation, so as to encourage them to “show their working”.
13. It is clear that good scrutiny and in turn good public policy development is dependent on the quality information being provided to parliamentary committees. NZET noted the interconnectedness between this matter and other work strands, which also relate to the information and data the SG provides the Parliament on net zero. This includes the ongoing joint initiative between the SG and Scottish Parliament to improve the quality of information on the net zero impact of each annual draft Scottish Budget (the Joint Budget Review), and scrutiny of the next Climate Change Plan. A key element of this will be considering whether the Plan has clearly set out the impact that policies and spending have had on emissions.

Continued rollout of Sustainable Development Impact Assessment (SDIA) Tool (action point 6)

14. The Scottish Parliament has produced a Sustainable Development impact Assessment (SDIA) Tool, to support Members to scrutinise legislation and policy through a sustainable development lens. The tool is discursive and requires users to talk through the implications of any given piece of policy or legislation together, with the support of a facilitator, to unpack and gain a deeper understanding of the matter under consideration. Use of the SDIA Tool can strengthen scrutiny, by supporting cross-committee working, highlighting potential unintended or negative consequences of legislation or policy, and broadening the range of witnesses and evidence.
15. The SDIA Tool was used in a facilitated workshop for officials in April 2024, in advance of the approach paper to the NZET Committee on the draft Land Reform Bill. However, we are not aware of any other instances in which the SDIA Tool has been used to support scrutiny since June 2023. Evaluation suggests that more work is needed to refine the approach to the rollout of the SDIA Tool for scrutiny, including work to increase Members’ and officials’ awareness and engagement with the Tool, alignment with scrutiny processes and access to facilitators.
16. Officials are exploring other approaches to increase uptake, including a workshop to demonstrate its use, tailored guidance, case studies and training a wider pool of staff to facilitate its use in scrutiny.

For decision

17. CG are invited to note the update and offer views on:

- The proposal to focus on detailing emissions data by committee portfolio (action point 3) as part of the commissioned research (action point 2); whilst continuing to explore other options with potential external partners.
- The findings from NZET's work on the quality of information on sustainable development provided in Policy Memoranda accompanying Scottish Parliament Bills (action point 4); and whether they would like to approach the Scottish Government to begin dialogue about ways to improve the consistency and depth of information provided to Parliament on the net zero impact of legislation.
- Whether the rollout of the SDIA Tool across scrutiny remains a priority, and if so, how officials can better support its use in committees.

Additional activities to build capacity and capability

18. As well as continuing to deliver on the specific CG actions, we have been undertaking additional activities to continue to build a model for parliamentary scrutiny of climate change and net zero.
19. A key development is a partnership with the four universities in Scotland who hold [UKRI Economic and Social Research Council](#) (ESRC) Impact Acceleration Account funding. This has enabled us to recruit a Knowledge Exchange Manager – Climate Change Scrutiny at 1.0 FTE for two years, fully funded by UKRI-ESRC and the universities involved. Following a successful open recruitment campaign, the post holder (Dr Dan Barlow) started in November 2023. Dr Barlow is developing and delivering activities to extend and diversify use of evidence and experts in the Scottish Parliament in the area of climate change. He is also working closely with the wider SPICe academic engagement team, led by Shona Skakle, to support capacity building on policy engagement with the Scottish Parliament across all Scottish Higher Education institutes (HEIs).
20. A new Climate Change/ Net Zero Adviser, Dr Kirsten Jenkins, was recruited in January 2024. She is available, alongside SPICe, to talk to individual conveners or committees at any point. Dr Jenkins will also be working with SPICe and NZET to develop a strategic approach to scrutiny of the anticipated legislation and the related Climate Change Plan.
21. Highlights from this and other key strands of activity to build capacity and capabilities, undertaken as part of the wider model, are provided in [Annexe B](#).
22. Staff have continued to develop and implement impact evaluation approaches to monitor project progress and inform prioritisation of activities.

Approaches taken by committees to scrutinise climate change and net zero in response to the CG strategic priority

23. While NZET Committee has a lead responsibility here, CG has recognised the cross-cutting nature of net zero scrutiny and that it engages the remits of all parliamentary committees. The overarching objective of this workstream is to find ways to embed net zero scrutiny within the work of all committees.
24. In June 2023, we provided an overview of what climate change and net zero scrutiny committees had undertaken since the start of the session, in response to the CG strategic priority. This demonstrated that thirteen committees out of sixteen (now fifteen following the winding up of the COVID-19 Recovery Committee in June 2023) had undertaken relevant work. Many committees noted that they intended to continue this work or to increase focus on it.
25. This engagement across committees was again clearly demonstrated in the CG meeting with the Climate Change Committee in October 2023 and with the Adviser on net zero and SPICe staff on carbon budgets in May 2024.
26. CG are reminded of the enhanced resource available to support committees to embed consideration of climate change and net zero into their scrutiny work, and to enhance and diversify engagement with academic evidence and expertise on climate change.

For decision

27. CG are invited to offer views on:

- **How the enhanced resource, including opportunities to access academic evidence and expertise can be used most effectively to integrate climate change and net zero into—**
- **committees' strategic planning, i.e. upcoming Business Planning Days and Work Programme discussions, and**
- **committees' day-to-day work: i.e. inquiries, bill scrutiny, petitions, budget scrutiny etc.**

Conveners are encouraged to contact the Senior Analyst in Climate Change Scrutiny, Dr Abbi Hobbs (abbi.hobbs@parliament.scot, 0131 348 5251) or the Knowledge Exchange Manager - Climate Change Scrutiny, Dr Dan Barlow (dan.barlow@parliament.scot, 0131 348 5563) to discuss support available.

Forward Look

28. The next 12 months will see continued work to deliver the Conveners Group agreed actions and to build the wider model for parliamentary scrutiny, including:

- Specific support to the NZET committee to undertake scrutiny of the draft Climate Change Bill, announced on 18 April 2024, which seeks to revise the timetable for achieving net zero by 2045 and introduce a new approach, based on 5-yearly carbon budgets.
- Specific support to the NZET Committee in advance of the draft Climate Change Plan (CCP), to facilitate NZET taking a leading role in coordinating scrutiny across committees. This includes delivering a framework of support available to all committees to support their engagement with the CCP.
- Continuing to provide support to enable committees to embed climate change considerations into planned work and to deal with reactive and ad-hoc approaches from MSPs, committee clerks and others to support their approach to climate scrutiny.
- Targeted work to embed innovative approaches to expand and diversify engagement with academic research and expertise on climate change, including piloting an Area of Research Interest.
- Supporting the Scottish Parliament to collaborate more strategically with public and charitable sector research funders and HEIs in the area of climate change, including working with the SPICe academic engagement team to develop and refine guidance, resources and training for researchers on engaging with the Scottish Parliament and other legislatures.
- Further developing monitoring and evaluation frameworks for knowledge exchange work on climate change in the Scottish Parliament, drawing on best practice.
- Continuing discussions with UKRI-ESRC on options for future collaboration.
- Further activities to raise awareness of relevance of climate change and embed engagement with it across parliamentary work, including SPICe support to the 'Parliament of the Future' Programme across the Scottish Parliament and to the revision of the Clerking Manual.
- Continuing to share learning with other legislatures in the UK and globally on these issues, including continuing collaborations with the UK Parliament Thematic Research Lead on Climate and Environment.

Recommendation

Conveners Group is invited to note and offer views on this report.

**Conveners Group Clerking Team
June 2024**

Annexe A: Conveners Group agreed actions for Net Zero scrutiny from June 2023 to June 2024

29. Please note, the below provides an update for those actions that are currently categorised as on track (green). Actions that are not currently categorised as green status are reported in the main body, see [Action points not in green status](#).

UK Climate Change Committee (CCC) to be invited to the Conveners Group on annual basis (action point 1)

30. Chris Stark, Chief Executive, presented to the NZET Committee in September 2023 at their Business Planning Day and Chris Stark and Professor Keith Bell, member of the CCC, gave evidence to NZET in April 2024. Chris Stark also gave evidence to the CG in October 2023. Dr Emily Nurse, Head of Net Zero at the CCC, gave a SPICe seminar on “How will Scotland achieve Net Zero now? Lifting the lid on carbon budgets” in May 2024.
31. Chris Stark stepped down in April 2024 and recruitment is underway for the next permanent Chief Executive. SPS staff are arranging a visit to the CCC offices in September 2024 to discuss further avenues for collaboration.

Commission research on climate change and net zero related to committee remits (mix of SPICe, commissioned, adviser) (action point 2)

32. SPICe published a hub blog in January 2024 on [Climate change and Scottish Parliament committees](#). This includes 3 blogs to date:
- [Climate change and the Net Zero, Energy and Transport Committee – Climate policy governance](#)
 - [Climate change and the Net Zero, Energy and Transport Committee – Sectors](#)
 - [Climate change and the Local Government, Housing and Planning Committee](#)
33. These were published by Dr Dan Barlow, acting as a consultant.
34. Two further blogs are underway by SPICe researchers, on the Economy and Fair Work Committee and the Rural Affairs and Islands Committee, which will be published in June 2024.
35. The Knowledge Exchange Manger in Climate Change Scrutiny is currently trialling different approaches to diversify use of evidence and experts to support the production of a further three blogs, relating to the remits of: Education, Children & Young People (to be published June 2024); Health, Social Care & Sport (to be published December 2024); and Equalities, Human Rights & Civil Justice (to be published September 2024).

36. This means that at the end of June 2024, the delivery milestone that research on the relevance of climate change to the policy areas across five subject committees, with at least one using approaches to diversify use of evidence and experts in its production, will have been met.
37. Support has been offered to all committees to discuss the Conveners Group priority and to support discussion on approaches to scrutiny of net zero.

Climate change / net zero adviser as shared committee resource (action point 5)

38. Dr Dan Barlow stepped down as Climate Change/ Net Zero adviser in October 2023, in order to take up his role in the Parliament as Knowledge Exchange Manager – Climate Change Manager (see [Annexe B](#)). In his role as adviser, he supported NZET's work programme and approach to its business planning day in September, as well as providing substantive support to the Public Audit Committee's scrutiny of climate governance and fed in to the Economy and Fair Work Committee's work on Just Transition. He also worked with SPICe researchers to provide a private briefing to all committees on the Climate Change Plan (CCP).
39. A new adviser, Dr Kirsten Jenkins, was recruited in January 2024. She is available, alongside SPICe, to talk to individual conveners or committees at any point. Committee clerks were updated on the resource and support available from Kirsten, Dan and others at a staff meeting in March 2024. In May 2024, Dr Jenkins and the NZET Adviser on environmental standards and regulation in a post-Brexit context, Professor Colin Reid, gave a briefing to CG on carbon budgets and recent court cases on national climate change plans, ahead of the Scottish Government's anticipated climate legislation to change Scotland's interim climate targets and to replace Scotland's current system of annual carbon targets with a target approach that is based on five-yearly carbon budgets.
40. Dr Jenkins will also be working with SPICe and NZET to develop a strategic approach to scrutiny of the anticipated legislation and the related CCP.

Capacity building for MSPs, their staff and staff of the Parliament (action point 7)

41. A variety of resources, activities and learning have been made available to MSPs, their staff and SPS staff to support scrutiny of climate change across different areas of work. This includes specific additional resource for bespoke on-demand tailored support, as well as events, seminars, workshops and structured learning. The approach taken has been informed by a mapping exercise of existing internal and external learning activities related to climate change and sustainable development, to identify gaps in provision and maximise use of resources. This included desktop research, a call through put out through the European Parliamentary Technology Assessment network, and meetings with several internal teams and external organisations.

42. Since June 2023, staff have delivered: 8 SPICe seminars; 4 events and conferences with Scotland's Futures Forum; 2 bespoke workshops on climate scrutiny; and 1 SPICe snippet. Staff have also enabled access for SPS staff to hybrid CPD opportunities undertaken by the Climate and Environment Policy Hub in the House of Commons. Through other teams, MSPs, their staff and SPS staff also now have access to 11 e-learning modules, including the Royal Scottish Geographical Society Climate Solutions course (through the Sustainability Team), and 2 online courses by the Commonwealth Parliamentary Association (through the International Relations Office).
43. Scheduled activities for the next quarter include funding for 10 places on the Institute of Advanced Legal Studies/ Westminster Foundation for Democracy course on Post-Legislative Scrutiny in the context of the climate and environmental emergency and 2 further SPICe snippets. A full overview is provided in [Annex C](#). Work is underway to improve the communication of these resources, including through developing a Sharepoint Hub for the Sustainable Development Programme (which includes a workstream on scrutiny).

Annexe B: Update on wider activities to build capacity and capability from June 2023 to June 2024

Innovating processes to enhance and diversify engagement with academic evidence and expertise on climate change.

1. Support and advice to clerking and SPICe colleagues on the relevance of climate change and net zero across committee portfolios/ areas of work and opportunities to draw on academic expertise to support effective scrutiny on climate.
2. Piloting adaptations to existing knowledge exchange processes, to enhance and diversify engagement. This includes using the Scottish Parliament Academic Network (SPAN) to solicit research and expertise for Committee and other parliamentary work, including in relation to Natural Capital Finance, sustainable construction, methane emissions and peatland restoration.
3. Piloting ways to diversify use of evidence and experts in the production of research on the relevance of climate change to the policy areas across subject committees. This includes using the SPAN network to solicit research and expertise for the research for Education, Children & Young People. It also includes co-production with an academic via the academic fellowship scheme, for the research for the Health, Social Care & Sport Committee.
4. Exploring the potential use of Areas of Research Interest (ARIs) to support scrutiny of climate change/ net zero, to make it easier for the research community to engage with the Parliament, shape research programmes and to get more diverse evidence from a wider range of people. This includes discussions with the Scottish Government, Senedd and Universities Policy Engagement Network.
5. Work to ensure adaptations to or innovative knowledge exchange processes are compliant with GDPR and data protection requirements.
6. Work to review existing monitoring processes for academic engagement, including on diversity, and to establish a baseline for reporting and evaluation.
7. Support to collaborate more strategically with public and charitable sector research funders on climate change, including ESRC and interdisciplinary UKRI-funded investments and Higher Education Institutes. Including work to map sources of research expertise across the UK relevant to net zero, relevant UKRI investments, and building relationships with key stakeholders, including the Scottish Policy Research Exchange.

Strengthening connections between Parliament and strategic partners on climate change.

8. Staff supporting the strategic priority have been strengthening strategic relationships with key research stakeholders, including [Audit Scotland](#) (AS), the [Scottish Fiscal Commission](#) (SFC) and [UKRI-ESRC](#), as well as the Climate Change Committee (see [Annexe A](#)).
9. This includes regular quarterly meetings between AS, SPICe and clerking on climate change and net zero and formal correspondence between the Auditor General for Scotland and the NZET Committee on the draft work programme for AS for April 2024 to March 2026.
10. A SPICe seminar on SFC's report on [Fiscal Sustainability Perspectives: Climate Change](#) was held in March 2024, and there has been formal correspondence between the Chair of the SFC and the NZET Committee on SFC support in relation to the Scottish Government's announcement on the 2030 target. Potential support is currently being explored by officials.
11. Staff presented to UKRI-ESRC Council on the partnership with the Scottish Parliament and hosted a meeting between the ESRC Head of Public Policy Research and Place Strategy and the Parliament's Chief Executive in May 2024. Following this, staff are exploring options for future collaboration with UKRI-ESRC, and a further update will be provided in due course.

Piloting processes to enhance public engagement and participation

12. To support parallel strategic priorities in post-legislative scrutiny and Parliament's use of deliberative democracy, CG agreed for a People's Panel to be established to support NZET's post-legislative scrutiny of section 91 of the Climate Change (Scotland) Act 2009. Twenty-five randomly selected panel members from across the breadth of Scottish demographics, travelled to the Scottish Parliament to meet and exchange views with experts and committee members over two weekends and two online sessions in February and March 2024. The Panel was established to discuss and respond to the questions:
 - How effective has the Scottish Government been at engaging the public on climate change and Scotland's climate change targets?
 - What else (if anything) could the Scottish Government do to inform and involve the public to help meet Scotland's climate change targets?
13. The [Panel's report](#) was published in April 2024, and a subset of Panel members presented the findings to the NZET Committee in April 2024. The NZET Committee wrote to the Scottish Government with the findings, and put these to the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy in an evidence session in May 2024, and to the Cabinet Secretary for Transport in June 2024. NZET will continue to use the Panel's work to inform its scrutiny and to support the work of other committees, for example, in relation to the draft Climate Change Plan.

Activities to raise awareness of relevance of climate change and engagement with it across parliamentary work.

14. In addition to the activities outlined in [Annex A](#), staff supporting the strategic priority have contributed support to integrate climate change and net zero to:
 - Futures Forum work on tackling structural inequalities (October 2023)
 - SPICe [Key Issues update](#) (November 2023)
 - SPICe support to the Scottish Crucible leadership and development programme for early career academics (February 2024)
 - SPICe quarterly on cross-cutting scrutiny and participation (March 2024)
 - SPICe work to support the 'Parliament of the Future' Programme across the Scottish Parliament (June 2024 - ongoing)
15. Legal team, including establishing quarterly meetings and arranging training on using the SDIA Tool (November 2023 ongoing)

Support to coordinate activities on climate change and ensure effective communication.

16. Aligning with and integrating work on this strategic priority with other key priorities and programmes, to share learning and maximise resources, including:
 - The strategic priority to deliver a Scrutiny Improvement Programme, including strands on committee inquiries and measuring and reporting.
 - Wider organisational work to improve the intranet, Sharepoint and the internet, and;
 - Other workstreams in the Sustainable Development Programme, including on embedding sustainable development thinking.
17. Supporting cross-parliament communication on climate change and net zero issues, including official to official, convener to convener, and committee to Scottish Government.

Activities to share learnings and best practice.

18. SPICe blogs on [Developing a model for parliamentary scrutiny of climate change](#) (June 2023) and [Delivering a model for parliamentary scrutiny of climate change: drivers, actions and next steps](#) (January 2024).
19. Supporting CG to submit [formal evidence](#) to the House of Commons' [Liaison Sub-Committee inquiry on Scrutiny of Strategic Thinking in Government](#) (September 2023).

20. COP28 event on *Code Red for parliaments – what next?* Hosted in collaboration with GLOBE International and Scotland's Futures Forum, chaired by the Deputy Presiding Officer and shown within the COP 28 pavilion (December 2023)
21. Continued close collaboration with the UK Parliament and other devolved legislatures to support the pilot of [Thematic Research Leads \(TRLs\)](#), funded by the UKRI-ESRC to strengthen networks and connections with the wider research community, and the other Knowledge Exchange Manager ESRC-funded positions in the Senedd and Northern Ireland Assembly.
22. Organising a cross-legislature workshop for officials working on climate and environment issues from the Scottish Parliament, UK parliament, Senedd and Northern Ireland Assembly (for September 2024)
23. Meetings with other legislatures and organisations supporting scrutiny to share learnings, including: Commonwealth Parliamentary Association, Inter-Parliamentary Union, AGORA Parliamentary Development Community of Practice, Arizona State University Parliamentarian Climate Education Advisory Committee, the Canadian parliamentary research services and the London Assembly.

Annexe C: Breakdown of activities delivered between June 2023 to June 2024 for Action 7 - capacity building for MSPs, their staff and staff of the Parliament to support scrutiny of climate change

Type of support	Other information	Format
<p>Staff resources available to MSPs, their staff and SPS staff</p>	<ul style="list-style-type: none"> • SPICE subject researchers • Adviser on climate change and net zero (who works with the NZET Committee, as well as other committees to support them to embed climate change scrutiny in their own work) • Knowledge Exchange Manager – Climate Change Scrutiny (who works to improve the availability of relevant research to MSPs, including improved academic engagement) • Senior Analyst – Climate Change Scrutiny (who supports delivery of Conveners Group strategic priority) • Project Manager (who provides focused project management support to the Conveners Group as part of the Scrutiny Pillar of the wider Sustainable Development Programme) • Two strategic leads for the Conveners Group strategic priority on climate change and net zero (Head of Research and Sustainable Development Scrutiny, SPICe, and clerk to the NZET Committee) 	<p>MSPs, MSP staff and SPS staff</p> <p>In-person or remote, on demand</p>

Type of support	Other information	Format
SPICe seminars	<ul style="list-style-type: none"> • How will Scotland achieve Net Zero now? Lifting the lid on carbon budgets (May 2024) • Nature's Balance Sheet – What are the impacts of investment in natural capital? (May 2024) • Nature's Balance Sheet – Why are organisations investing in natural capital? (April 2024) • Scottish Fiscal Commission: Fiscal Sustainability Perspectives: Climate Change (March 2024) • Nature's Balance Sheet – An introduction to woodland and peatland carbon markets (March 2024) • From Pit to Reuse: exploring the environmental impact of resource extraction and circular economy solutions (January 2024) • What is a Circular Economy? (October 2023) • Zero emissions heating: what are the key challenges? (June 2023) 	<p>MSPs, MSP staff and SPS staff</p> <p>In-person, scheduled</p>
Scotland's Futures Forum events and conferences	<ul style="list-style-type: none"> • Conference on Scotland's Housing and Net Zero (jointly hosted by the Net Zero, Energy and Transport Committee and the Local Government, Housing and Planning Committee) (April 2024) • COP 28: Code Red for parliaments – what next? In collaboration with GLOBE International and shown within the COP 28 pavilion (December 2023) • COP28 – an update from the conference. In collaboration with GLOBE International and livestreamed from the COP 28 pavilion (December 2023) • Conference on Scotland's Land: One resource, many uses (jointly hosted by the Net Zero, Energy and Transport Committee and the Rural Affairs and Islands Committee) (October 2023) 	<p>MSPs, MSP staff and SPS staff</p> <p>Mix of hybrid and in-person, scheduled</p>
Navigating the science on climate change in IPCC reports workshop	<ul style="list-style-type: none"> • Led by Professor Tamsin Edwards, Professor in Climate Change, Kings College London and UK Parliament Climate and Environment Thematic Research Lead (February 2024) 	<p>SPS staff, MSP staff</p> <p>In-person</p>

Type of support	Other information	Format
En-ROADS Climate scrutiny workshop	<ul style="list-style-type: none"> Led by Professor Petra Molthan-Hill, Professor of Sustainable Management and Education for Sustainable Development at Nottingham Business School, and En-ROADS Climate Ambassador (June 2024) 	SPS staff Hybrid, scheduled
SPICe snippet	<ul style="list-style-type: none"> Using Scotland's Longitudinal Population Studies for scrutiny (June 2024) 	MSPs, MSP staff and SPS staff Hybrid, scheduled
House of Commons Climate and Environment Policy Hub CPD	<ul style="list-style-type: none"> Climate Change Committee work on carbon budgets (February 2024) Carbon Border Adjustment Mechanisms (March 2024) 	SPS staff. Hybrid, scheduled
Sustainability team e-learning modules on Learning Pool	<ul style="list-style-type: none"> Biodiversity Circular Economy Climate Solutions/ Royal Scottish Geographical Society Conscious Consumerism Food and Food Waste Protecting Our Water Resources Sustainable Living Travel and Transportation 	MSPs, MSP staff and SPS staff Online, self-paced
Sustainability team e-learning on Sharepoint	<ul style="list-style-type: none"> Sustainable Development Induction Climate Justice Circular Economy 	MSPs, MSP staff and SPS staff Online, self-paced
CPA course on Parliamentary Action on Climate Change in Small Jurisdictions .	<ul style="list-style-type: none"> This course explores the basics of climate change and how it impacts small jurisdictions in particular. It focuses on the science of climate change, disaster risk management and the importance of international frameworks. In addition, it looks at how to mitigate 	MSPs, MSP staff and SPS staff. Online, self-paced

Type of support	Other information	Format
	against and adapt to the effects of climate change as well how to engage with the local community.	
CPA course on The Sustainable Development Goals: A Parliament's Role .	<ul style="list-style-type: none"> The objectives of this course are to develop knowledge of the Sustainable Development Goals (SDGs) and the crucial role of Parliaments, as institutions, in implementing the SDGs. The material examines parliamentary action on three levels of implementation: local/constituency, national, and international implementation. It also seeks to highlight how parliaments can work with key stakeholders to promote the SDGs and influence real change within communities. The course delves into key methods of SDG financing, drawing on case studies and positive examples from the Commonwealth and beyond. 	Individual MSP, MSP staff or SPS staff Online, self-paced
Scheduled for next quarter		
Institute of Advanced Legal Studies/ Westminster Foundation for Democracy course on Post-Legislative Scrutiny in the context of the climate and environmental emergency	<ul style="list-style-type: none"> This is a new course aimed at Members of Parliaments, researchers, and committee staff of parliaments worldwide, particularly of committees leading on environmental and climate policy. It is also open to other groups, including legal, legislative, and governance experts, including on environment and climate policy and academics and researchers from universities. The objectives are to provide an in-depth exploration of the theory and practice of post-legislative scrutiny (PLS) as an oversight tool. The course states that it adopts a holistic outlook that places PLS in the legislative cycle and delves into the practice of PLS piloting and innovations over the last few years (September 2024). 	SPS staff (could be made available to MSPs and MSP staff) Online, scheduled
SPICe snippets	<ul style="list-style-type: none"> Science and evidence in the Scottish Government (September 2024, tbc) Climate Change Bill (September 2024, tbc) 	MSPs, MSP staff and SPS staff Hybrid, scheduled

Conveners Group
Wednesday 26 June 2024
5th Meeting, 2024 (Session 6)

Cross-committee working: Post-EU scrutiny

Introduction

1. The purpose of this paper is to invite the Conveners Group to consider an update on progress and implementation of new scrutiny arrangements which are relevant to its strategic priority on post-EU scrutiny. This follows on from the update provided on 27 September 2023 and the agreement of an Action Plan on 31 May 2023. The Group agreed to receive regular updates using this action plan to frame its consideration and a summary update is also provided alongside the Action Plan at **Annexe A**.

Progress and implementation of new scrutiny arrangements

2. Since the previous update the CEEAC Committee has–
 - Considered the second EU law Tracker report and shared a number of case studies with the relevant subject committees: [EU Law Tracker \(parliament.scot\)](#)
 - reached agreement with the Scottish Government on the level of information to be provided in relation to working arrangements in relation to both the scrutiny of the UK EU Trade and Cooperation Agreement and bi-annual updates in relation to the Retained EU Law (Revocation and Reform) Act 2023;
 - published a further report on How Devolution is Changing post-EU: [How Devolution is Changing Post-EU \(parliament.scot\)](#) which was debated in the Chamber on 9th January;
 - Held a joint event with Strathclyde University Law School on 8 January on the findings of the report.
3. As requested by the Group, officials have carried out a review of the operation of the new scrutiny arrangements covering the period from 3 September 2023 to 3 March 2024. The findings of the review will be useful in informing future discussions between Scottish Parliament and Scottish Government officials regarding the implementation of the new agreement and between Scottish Parliament officials internally regarding the levels of support provided to Committees in scrutinising that information. Officials will provide a further update once those discussions have progressed.

EU Law Tracker

4. The purpose of the EU Law Tracker and Reports, and the research that underpins them, is to provide ongoing analysis of EU law and policy developments in areas **which are devolved to Scotland** and are therefore potentially in scope of the SG alignment commitment.
5. The CEEAC Committee has written to relevant subject committees inviting them to consider the case studies within their respective remits.

Agreement with Scottish Government on levels of information

6. The CEEAC Committee has reached an agreement with the Scottish Government on the level of information to be provided in relation to working arrangements in relation to both the scrutiny of the UK EU Trade and Cooperation Agreement (TCA) and bi-annual updates in relation to the REUL Act: [post-eu-scrutiny-convener-to-cab-sec-30-01-2024.pdf \(parliament.scot\)](https://www.parliament.scot/post-eu-scrutiny-convener-to-cab-sec-30-01-2024.pdf)
7. The Scottish Government provided its first update to the Constitution, Europe, External Affairs and Culture Committee on 8 February 2024. SPICe also published a blog on [Reporting on the use of powers under the Retained EU Law \(Revocation and Reform\) Act 2023 – SPICe Spotlight | Solas air SPICe \(spice-spotlight.scot\)](https://www.spice-spotlight.scot/reporting-on-the-use-of-powers-under-the-retained-eu-law-revocation-and-reform-act-2023)
8. The Convener has written to the subject committees setting out these agreements and will share information provided by the Scottish Government in line with these agreements with relevant subject committees as appropriate.

How Devolution is Changing Post-EU?

9. The CEEAC Committee published its unanimous report on *How Devolution is Changing post-EU* on 27 October 2023 and it was debated in the Parliament on 9 January 2024.
10. The Committee's view is that devolution looks very different outside of the EU compared to when the UK was a Member State. The key difference is how the regulatory environment within the UK is managed compared to how it was managed within the EU.
11. The management of the regulatory environment across the UK is now dependent on effective intergovernmental relations which could involve a significant increase in UK-wide legislation in devolved areas.
12. There is, therefore, a significant risk that laws made at a UK level in devolved areas will lessen the accountability of the Scottish Ministers to the Scottish Parliament and reduce the opportunities for the public and stakeholders to engage at a devolved level.

13. The Committee's view is that this requires the Scottish Parliament to review how it approaches the scrutiny of intergovernmental relations and scrutiny of the Scottish Ministers in their shared role in the governance of the UK alongside the UK Government and other devolved governments. The starting point of such a review should be the fundamental constitutional principle that the Scottish Parliament should have the opportunity to effectively scrutinise the exercise of all legislative powers within devolved competence.
14. The CEEAC Committee and the Scottish Government have jointly commissioned external research on the operation of the existing IGR Written Agreement¹. This will include interviews with Members and officials with regards to committee scrutiny of IGR. This work will help to inform a wider review of IGR scrutiny as recommended by the CEEAC Committee.
15. The Committee also provided a submission to the Scottish Affairs Committee inquiry on IGR drawn primarily from the findings of the *How Devolution is Changing Post-EU* report and our previous work on the UK internal market: committees.parliament.uk/writtenevidence/126896/default/

Strathclyde University Event

16. The Committee held a joint event with Strathclyde University Law School on 8th January on our report: [How Devolution is Changing Post-EU \(parliament.scot\)](https://www.parliament.scot/How-Devolution-is-Changing-Post-EU) A podcast recorded at the event is available here: [Live at the University of Strathclyde | 'How is Devolution Changing Post-EU?' | Podcasts By The Scottish Parliament \(podbean.com\)](https://www.theuniversityofstrathclyde.ac.uk/podcasts-by-the-scottish-parliament/)
17. The event, conducted in accordance with the Chatham House Rule, encouraged a number of speakers to take the report recommendations as their starting point and to offer critical reflections that would form the basis of discussion in breakout sessions. Each of four breakout groups was chaired by a member of the committee.
18. Participants were drawn from a wide range of professional backgrounds – politicians on a cross-party basis, Scottish Government and Scottish Parliament officials, public and private sector lawyers and academic public lawyers and political scientists. In addition, PhD students from Strathclyde University, Glasgow University, Cambridge University and Queen's University Belfast were invited to participate and to provide feedback from break out rooms to all participants in plenary sessions.
19. If, for some attendees, the current climate of political polarisation has had a chilling effect – discouraging stakeholders and the public at large from engagement with the issues arising from EU withdrawal - it was pointed out that the achievement of a consensus report by the committee was itself a sign that political differences could be overcome to achieve a focus constitutional and technical solutions that might begin to address these issues.

¹ [IGR+Agreement.pdf \(www.gov.scot\)](https://www.gov.scot/IGR+Agreement.pdf)

20. In this regard, the most common themes of agreement in the room were-

- that devolution is under strain as a consequence of the changing post-EU withdrawal landscape;
- that fundamental constitutional reform (a written constitution; legal entrenchment; legal limits on the power of the UK parliament; federalism of some flavour) within the UK is unlikely to be achieved in the short to medium term;
- that recourse to formal IGR mechanisms, giving them the chance to mature and to be normalised, would be welcome;
- that close inter- and intra-parliamentary work is needed to rebalance indigenous relationships between executive and legislature and to mitigate both the effects of parliamentary sovereignty and the challenges created by (even co-operative) intergovernmental working; and
- that a greater comparative focus might unlock potential solutions to the problems identified in the report.

21. A note of the event is published here: [Constitution, Europe, External Affairs and Culture Committee event at Strathclyde Law School \(parliament.scot\)](#)

Work of the Scottish Parliament-Scottish Government Officials' Joint Working Group on Post-Brexit Scrutiny Issues

22. There are some additional post-EU work strands which Scottish Parliament and Scottish Government officials have continued to discuss, these are:-

- Review of SI Protocol 2² and approach to UK Government delegated powers in devolved areas;
- UK Internal Market Act 2020 Exclusions Process
- Annual Reporting on Common Frameworks

23. The working group has been tasked with taking forward a number of recommendations which the Committee has made this session with regards to enhanced scrutiny of post-EU issues. In addition officials have also been reviewing the Statutory Instrument Protocol (SIP) 2 including addressing recommendations made by both the Committee and the Delegated Powers and Law Reform Committee (DPLRC).

24. The Cabinet Secretary wrote to the Committee on 23rd April³ providing an update from a Scottish Government perspective on how this work was progressing in relation to parliamentary scrutiny of the UKIMA exclusions process, Common Frameworks reporting and SIP2.

² [Statutory Instrument Protocol \(parliament.scot\)](#)

³ [Cabinet Secretary for Constitution External Affairs and Culture \(parliament.scot\)](#)

25. The CEEAC Committee's response dated 30th May⁴ is intended to contribute to a shared assessment of where things currently stand including its view on the issues raised and where progress can be made. The section of the letter in relation to the scope of SIP2 review was also agreed by the DPLRC.

Recommendation

26. The Group is invited to note the progress which is being made in delivering the action plan and through the work of the Scottish Parliament-Scottish Government Officials' Joint Working Group on Post-Brexit Scrutiny Issues in areas where CEEAC Committee is seeking further progress.

**Conveners Group Clerking Team
June 2024**

⁴ [convener-to-cab-sec-30524.pdf \(parliament.scot\)](#)

Annexe A: Action plan

	Post EU area	Action	Update
1	Retained EU Law (Revocation and Reform) Bill (now Act)	Scottish Parliament and Scottish Government officials continue to work together to consider the likely impact of the amended REUL Bill on parliamentary scrutiny and Scottish Parliament officials will provide an update on this work at the Group's meeting on 31 May	Agreement is now complete and SG will report 6 monthly until June 2026. Second report due September 2024.
2	Alignment with EU Law	<p>The CEEAC Committee have agreed with Scottish Ministers the level of information to be provided on the impact of the Scottish Government's commitment to align with EU law when introducing legislation. This applies to primary and secondary legislation and Legislative Consent Memorandums (LCMs) .</p> <p>Agreement has also been reached with the Scottish Government on additional annual reporting to sit alongside the existing Continuity Act reporting process, to provide information including—</p> <ul style="list-style-type: none"> • where Scotland's policy priorities in respect of the EU lie in the coming year. <p>The Scottish Government provided this additional information with the latest Continuity Act annual</p>	<p>Agreement has been reached with SG on level of information to be provided. The level of information provided by SG, and the tools produced to support committee scrutiny in post EU areas, are being reviewed by officials.</p> <p>The CEEAC Committee has written to the Cabinet Secretary following the publication of the second EU Law Tracker report seeking clarification on a number of issues regarding the provision of the additional information which</p>

		report tabled at the end of October 2023.	it has broadly welcomed.
3	EU Law Tracker	Two reports a year to be made to the CEEAC Committee. These reports will include a number of case studies outlining changes to EU law and will be published and made available to the relevant subject committees.	Second report was considered by CEEAC Committee on 7 March and was then circulated to relevant subject committees for their consideration.
4	Inter-Governmental Relations Written Agreement	Scottish Parliament and Scottish Government officials are currently discussing how to approach a review of the Written Agreement and the levels of information to be provided by the Scottish Government on the operation of Common Frameworks, the exclusions process for requesting and agreeing exclusions to the market access principles established by the UK Internal Market Act 2020, and the operation of the governance arrangements in the Trade and Cooperation Agreement with the EU	The CEEAC Committee and the Scottish Government have jointly commissioned external research on the operation of the Written Agreement with the researchers due to report after Summer recess. This work will help to inform a wider review of IGR scrutiny as recommended by the CEEAC Committee.
5	Review of the Standing Orders	The CEEAC Committee has agreed to carry out a review of EU related Standing Orders before reporting to the Standards, Procedures and Public Appointments Committee.	The CEEAC Committee has written to the SPPA Committee setting out proposals for post-EU changes to the Standing Orders.

6	CPD support	The Group is invited to give consideration to any additional CPD support which Committees and Members may find useful in supporting the mainstreaming of these issues	Committees actively considering post EU scrutiny issues through day to day scrutiny are offered a session on post EU issues at the beginning of the work.
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