



The Scottish Parliament
Pàrlamaid na h-Alba

Graham Simpson MSP
Member of the Scottish Parliament for Central Scotland

Martin Whitfield MSP
Convenor, Standards, Procedures and Public Appointments Committee 29th April 2025
The Scottish Parliament
Horse Wynd
Edinburgh
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Dear Martin,

I understand that the Scottish Parliament (Recall and Removal of Members) Bill, for which I am the member in charge, has been referred to your Committee for Stage 1 scrutiny. The Non-Government Bills Unit (NGBU) has provided support to me in the preparation and drafting of the Bill. As part of that role, NGBU has carried out an Equalities Impact Assessment (EQIA) for the Bill to ensure that best practice has been followed and that the Bill's impact has been appropriately identified and considered. The EQIA is attached for the Committee's information.

Yours sincerely,

Graham Simpson MSP

Equality Impact Assessment

Scottish Parliament (Recall and Removal of Members) Bill	
(1) Aims of the Policy	
<p>What is the purpose of the proposed policy?</p>	<p>The main aim of the Scottish Parliament (Recall and Removal of Members) Bill is to improve the democratic accountability of MSPs during the course of a parliamentary session.</p> <p>Mr Simpson feels that the integrity of the democratic process would be enhanced, and many constituents would be better represented, by allowing for the replacement of an MSP in certain circumstances.</p> <p>He also believes that replacing an MSP who does not attend either due to imprisonment, suspension or lack of attendance would ensure improved value for the taxpayer in terms of the cost of the MSP, including their salary.</p> <p>The Member considers that the role of representing a constituency or region in Parliament should be a full-time one. He thinks that an MSP's constituents reasonably expect that, when voting for the MSP in an election, the person that the constituency or region elected will represent them for the duration of a parliamentary term. It follows that if a serving MSP receives a prison sentence, then they are not able to undertake the role of parliamentarian in a meaningful way for the period of their imprisonment. It also follows that if an MSP acts in such a way that they are suspended from Parliament for a period, the electorate should have the opportunity to consider, through a recall petition process, whether they should be able to continue in office.</p> <p>Furthermore, if an MSP is not undertaking core elements of their role, such as attending Parliament to take part in committee meetings or chamber proceedings, for an extended period of time, Mr Simpson believes this constitutes a derogation of their duties to their electorate and therefore there should be a process to enable the MSP to be removed from office if they do not have an understandable reason for their absence.</p>
<p>What are the anticipated outcomes of the policy?</p>	<p>Part One of the Bill will allow for MSPs to be recalled (i.e. subject to a recall petition that will determine if they</p>

should be removed or not by their constituents) in the following circumstances:

- if they receive a sanction excluding them from Parliament for a certain period of time
- if they receive a prison sentence of less than 6 months.

When an MSP is recalled, people in the constituency or region that the MSP represents will be able to sign a petition calling for the MSP to lose their seat. If the petition is successful, the MSP will lose their seat. In that case, for constituency MSPs, a by-election will take place (which the recalled MSP may choose to stand in). When a regional MSP is recalled, and that person wishes to retake their seat, a regional poll will take place, with a simple majority determining the outcome. If the recalled MSP is unsuccessful in this regional poll, the seat will be filled under existing arrangements for regional vacancies as set out in the Scotland Act 1998.

Part Two of the Bill also provides that an MSP will be automatically removed if they receive a prison sentence of 6 months to 1 year (at the moment an MSP is only removed if they receive a prison sentence of more than 1 year).

Part Three of the Bill will also allow for the removal of MSPs who do not attend Parliament in person for 180 days or more, unless they have a good reason for their absence. In such a case, that MSP will have the opportunity to share with the Standards, Procedures and Public Appointments (SPPA) Committee the reason for their absence. While this decision will be entirely the Committee's, it is likely to consider absences by MSPs from Parliament as legitimate if they are considered legitimate in other employment settings. Examples of valid reasons could include:

- Illness or injury
- Long term conditions and disabilities
- Medical appointments or surgery (including recovery time)
- Mental health problems
- Caring for dependents
- Bereavement
- Maternity, paternity or adoption leave¹

¹ [Holiday, sickness and leave | Acas](#)

	<p>Any MSP who has been absent for 180 days or more will have the opportunity to give evidence to the SPPA Committee in advance of a decision being taken. Removal of an MSP on this ground can only happen if Parliament votes in favour of it.</p>
<p>Who will be affected by the policy?</p>	<p>Improving the democratic accountability of MSPs to the electorate could have benefits for everyone in Scotland. The provisions in this Bill may deter MSPs from acting in ways that could lead to their suspension or to a custodial sentence. They could also make it more likely that MSPs will be present in Parliament and representing the needs of their constituents for sustained period, unless they have a good reason not to be present. In turn, this could mean that the needs and views of constituents are more strongly represented in Parliament and taken into account by Government Ministers. Replacing an individual with more active and effective representative could assist those seeking support from their MSP. Individuals seeking support on matters that related to a protected characteristic, on a whole range of local issues such as transport, social care, community safety, could have the problems they face more effectively addressed by a more involved parliamentarian.</p> <p>A very small number of MSPs may be directly affected by the provisions of the Bill, if they are subject to removal or recall as a result of decisions taken on their actions or from insufficient attendance. The Bill's provisions could lead to potential negative impacts on MSPs with protected characteristics which, as a result of those characteristics, could make them more likely to have an extended absence from attending Parliament. The process envisaged by the Member would require an MSP to provide a reason to the SPPA Committee and, on that basis, it would not be envisaged that the process for removal would be taken any further. For example, if an MSP was on maternity leave or if they were not physically able to travel to and attend Parliament due to a disability. Therefore, while it is unlikely that an MSP with good reason due to a protected characteristic would be found not to have a good reason by the SPPA Committee, they are more likely to have to go through the process of providing a reason. Under the provisions of the Bill this would include a report to Parliament being produced by that Committee.</p> <p>The vast majority of MSPs will not be directly affected. All MSPs will need to be informed during their induction of the new measures that will be in place that can lead to their removal from office in certain circumstances.</p>

(2) What is known about the diverse needs of those who will be affected by the policy

Gender* reassignment	<p>People who undergo gender reassignment may need to be absent from their place of employment while they recover.</p> <p>What transgender women can expect after gender-affirming surgery Gender Affirmation Surgery - Information for patients undergoing top surgery Hull University Teaching Hospitals NHS Trust</p>
Religion or Belief	NA
Age*	<p>People with caring responsibilities are more likely to be absent from their employment than other people, including those caring for older people. Other people with caring responsibilities (eg for people with children, or a family member with a disability) may also be more likely to be absent than other people.</p> <p>Politicians who are older people may be more likely to suffer ill health/mobility issues, which could affect their in-person attendance.</p>
Disability*	<p>People with disabilities can be more likely to be absent due to ill health than other people and can find travelling in to Parliament more challenging.</p> <p>Sickness absence in the UK labour market - Office for National Statistics</p>
Race	<p>Politicians who are from ethnic minorities are more likely to be subject to abuse or harassment than politicians who are white.</p> <p>Black and Asian women MPs abused more online Most non-white UK MPs have experienced racism, study – POLITICO</p>
Sex	<p>Female politicians are likely to be subject to abuse or harassment than male politicians.</p> <p>Women politicians face 'double burden' of online toxicity King's College London</p>
Maternity and Pregnancy	<p>Pregnant women are likely to need to be absent from employment to attend medical appointments and may</p>

	<p>require more time away from work if the pregnancy is challenging and/or towards the end of pregnancy.</p> <p>Sickness absence in the UK labour market - Office for National Statistics</p>
Sexual Orientation	<p>LGBT politicians may be more likely to be subject to abuse or harassment than heterosexual politicians.</p> <p>‘Risky visibility’: the online harassment of queer politicians in: European Journal of Politics and Gender - Ahead of print</p>
Marriage and Civil Partnership	NA
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Gender* reassignment	Yes
Religion or Belief	Yes
Age*	Yes
Disability*	Yes
Race	Yes
Sexual Orientation	Yes
Sex	Yes
Maternity and Pregnancy	Yes
Marriage and Civil Partnership	Yes
If not, what other information is required	NA
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
Gender* reassignment	Potential negative impact on MSPs who have undergone gender reassignment surgery, as they may need to be absent while they recover. Any negative impact will be mitigated by the SPPA Committee which will be able to

	take this into account in its decision-making about the reason for an absence ² . While it is likely that the SPPA Committee would accept such an explanation as a good reason for absence, it is possible that MSPs with this protected characteristic may go through this process more frequently than other MSPs.
Religion or Belief	NA
Age*	Potential negative impact on MSPs who have caring responsibilities, including for older relatives, children or relatives with disabilities, as they may need to be absent; and also for older MSPs who may be more likely to be absent. Any negative impact will be mitigated by the SPPA Committee which will be able to take this into account in its decision-making about the reason for an absence. While it is likely that the SPPA Committee would accept such an explanation as a good reason for absence, it is possible that MSPs with caring responsibilities/this protected characteristic may go through this process more frequently than other MSPs.
Disability*	Potential negative impact on MSPs with a disability, as they are more likely to be absent due to ill health. Any negative impact will be mitigated by the SPPA Committee which will be able to take this into account in its decision-making about the reason for an absence. While it is likely that the SPPA Committee would accept such an explanation as a good reason for absence, it is possible that MSPs with this protected characteristic may go through this process more frequently than other MSPs.
Race	Potential negative impact on MSPs who are from ethnic minority backgrounds, as they are more likely to be subject to abuse or harassment than other MSPs. This may mean that they are more likely to be subject to complaints about their conduct than other MSPs. As this Bill could lead to MSPs being recalled if they are suspended due to a complaint, it is possible that more MSPs from ethnic minorities will be subject to such complaints than other MSPs. Any such complaints would be evaluated by the SPPA Committee in line with existing arrangements and dismissed if there was no substance to them, but this could mean that MSPs from ethnic minority backgrounds are more likely to be subject to this process than other MSPs.
Sex	Potential negative impact on female MSPs, as they are more likely to be subject to abuse or harassment than

² The Committee will be required to determine if a reason offered by any MSP for an absence of six months or more is acceptable.

	<p>other MSPs. This may mean that they are more likely to be subject to complaints about their conduct than other MSPs. As this Bill could lead to MSPs being recalled if they are suspended due to a complaint, it is possible that more female MSPs will be subject to such complaints than other MSPs. Any such complaints would be evaluated by the SPPA Committee in line with existing arrangements and dismissed if there was no substance to them, but this could mean that female MSPs are more likely to be subject to this process than other MSPs.</p>
Maternity and Pregnancy	<p>Potential negative impact for MSPs who are pregnant, as they may need to be absent from Parliament. Any negative impact will be mitigated by the SPPA Committee which will be able to take this into account in its decision-making about the reason for an absence. While it is likely that the SPPA Committee would accept such an explanation as a good reason for absence, it is possible that MSPs with this protected characteristic may go through this process more frequently than other MSPs.</p>
Sexual Orientation	<p>Potential negative impact on LGBT MSPs, as they may be more likely to be subject to abuse or harassment than other MSPs. This may mean that they may be more likely to be subject to complaints about their conduct than other MSPs. As this Bill could lead to MSPs being recalled if they are suspended due to a complaint, it is possible that more LGBT MSPs will be subject to such complaints than other MSPs. Any such complaints would be evaluated by the SPPA Committee in line with existing arrangements and dismissed if there was no substance to them, but this could mean that LGBT MSPs are more likely to be subject to this process than other MSPs.</p>
Marriage and Civil Partnership	NA

Completed by the Non-Government Bills Unit: March 2025

*Although not a protected characteristic, carers should be given specific consideration in this category (e.g. the potential impact on those who care for older people).

Member's Comment on NGBU's Equalities Impact Assessment	
Evidence gaps identified	
Member's comment:	
Adverse impacts identified	
Member's comment:	
Completed by Graham Simpson MSP 22.4.25	

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 22/4/25

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