

**Written submission from Alexander Burnett MSP
Scottish Conservative and Unionist Party
4 February 2025**

Thank you for your letter addressed to Russell Findlay regarding the SPPA Committee's Consultation on Standing Order rule changes relating to Gender Sensitive Audit. Russell has asked me, as my party's Business Manager, to respond on behalf of the Scottish Conservative & Unionist Party.

Changes relating to Bureau and SPCB

While we are content for the rule changes relating to the Parliamentary Bureau and SPCB to be made, we do so because they fall short of mandating political parties to select people based on gender alone.

Regarding gender quotas on committees, Bureau and SPCB, we maintain that, in a Parliament with fewer female than male MSPs, *requiring* women to be on more committees than men whilst they receive the same salary as their male counterparts could be at odds with the 2010 Equality Act's rules on equal pay. It is a simple reality that, in order to make these quotas, women will have to, on average, attend more committees than men.

We continue to appoint candidates based on merit, experience and their wishes. We will not force female MSPs to be on committees, that they do not want to be on, to make a quota.

Changes to PO/DPO election

Regarding the proposed changes to the election of the Presiding Officer and their deputies, we have a number of issues:

1. What would happen if all candidates for PO and DPO were from the same gender?
 - a. Would the elected PO force a candidate from another gender to stand and therefore automatically be elected as 2nd DPO?
2. Does the wording of your proposed change mean the 1st DPO is more senior to the 2nd DPO, given that there are fewer restrictions placed upon the election of the 1st DPO?
3. Do these changes risk opening up the opportunity for political parties to "game the system"?
 - a. Is it not possible, under these proposed changes, for a party to control who is elected as the PO and 1st DPO with the intention of eliminating candidates from other political parties for 2nd DPO through forcing a gender exclusion?
4. What happens if an elected PO/DPO, who believes in self-identification, which is recognised within the Parliament's own Trans and non-binary policy, seeks to change their gender after election to the role?
5. What basis or documentation will be used to confirm the gender identity of candidates?
6. Does this entrench in the Standing Orders that there are two genders?
7. You stated the audit report recommended having "at least one man and one woman" in the PO/DPO mix. Given the Parliament's own "Trans and non-binary policy" states that gender identity can include definitions outside of "man" and "woman", the wording of your

change does not give effect to the recommendation.

a. It requires “different” genders to the existing PO and 1st DPO, but does not actually require these genders include “at least a man and woman”.

8. The Parliament’s Trans and non-binary policy states “Colleagues will not be excluded from training, **job opportunities, or promotion**, or be redeployed against their wishes, **because of their gender identity**”. It also states “Colleagues and job applicants may apply for posts without disclosing their gender identity.” Does this rule change not contradict this existing policy by requiring a candidate to declare their gender identity and then by excluding colleagues from job opportunities and promotion based solely on their gender?

9. Has there been any legal advice regarding the points above and how they interact with the Equality Act 2010, specifically with regards to **excluding** candidates based on gender?

10. Does this risk promoting gender as a more important protected characteristic under the Equality Act 2010 than others? If these rules were also applied with regards to the other characteristics, it would be impossible to elect a PO.

a. E.g. Race, age, sexual orientation, religion etc.

We are concerned by the proposed inclusion of rules in the Standing Orders which appear to lack fail-safes for plausible outcomes. I would be grateful to hear whether these points have been raised in your inquiry and what solutions might exist.