

**Written submission from the Scottish Conservative and Unionist Party
17 April 2024**

Consultation on Elected Conveners 2024

Thank you for your letter regarding views on elected conveners.

I am responding on behalf of the Scottish Conservatives, having taken their views and the views of our existing conveners into consideration.

For ease of considering in your committee sessions, I have included the response to your points below, in annex.

Thank you for your time in considering our views.

Annex: Scottish Conservative & Unionist Party response to SPPA Committee on elected conveners

General views

Would you be in favour of introducing the election of Committee Conveners by the Parliament?

1. We are largely in favour of the concept of elected conveners, depending on how this is enacted and implemented.
2. We believe that conveners who have been elected should receive an increase in salary to match the increased role and responsibility, as well as the increased accountability measures we suggest in this response.

What do you consider would be the advantages or disadvantages of the election of Conveners?

Advantages

3. An election process would allow for the transfer of greater powers to conveners due to increased accountability from check/balance measures.
4. This would empower conveners to embrace the role as well as correcting a long undervaluing of the work they have done since the Scottish Parliament's creation.
5. This would help the position of convener to be viewed in a deservedly higher regard, both internally amongst MSPs as an optional career opportunity and externally by stakeholders and Ministers in terms of the consequent authority attaching to the role. The election of Conveners could be the first step to providing a more substantive reform of the Scottish Parliament's committee system.

Disadvantages

6. The current committee system heavily favours governing parties in its membership composition. This means committees arguably have a limited scrutiny ceiling, with government whips ultimately able to influence committee members and Conveners on contributions and outcomes.
7. It is not unreasonable to suggest that this system has led to the passing of legislation which has subsequently had to be repealed or substantially amended or interpretation by the courts due to either a lack of clarity or even incompatibility with law.
8. Electing Conveners does not, in of itself, improve this system and, worse, might embolden some political operators to suggest that concerns are now unjustified given that scrutiny is heightened by the democratic process of electing Conveners.

9. Therefore, reform now should be accompanied by a commitment to undertake a review of the committee system and structure as a whole to improve parliamentary scrutiny and credibility.

Nomination of candidates

It is proposed that nomination should take place once the Parliament has agreed the party to which convenership of each committee should be allocated. Should members of any party be able to nominate a Member for election as a Committee convener or should that be limited to Members of the party to which the Convenership has been allocated?

10. We are content with the proposal that the nomination should take place once the Parliament has agreed to the Convener's party.
11. We are also content with the process for deciding which committees will have conveners from which party remaining with the Parliamentary Bureau.
12. We think it would be inappropriate for Members from other parties to nominate Members for that position, to avoid situations where opposing parties can pre-determine a candidate they wish for a variety of reasons not all of which are consistent with ensuring effective management.
13. We therefore believe it should be limited to Members of the party to which the Convenership has been allocated.

Nominations for the Presiding Officer, deputy Presiding Officers and members of the Scottish Parliamentary Corporate Body require a nomination to be seconded by another Member. Should the same threshold of support apply to nominations for election as Committee conveners?

14. It seems appropriate that the same threshold be used as for the election of the Presiding Officers, so we are in favour of each nomination requiring a seconding Member.
15. We do not believe any Member should be limited in the number of nominations or seconding nominations they make (subject to nominating or seconding only one colleague for the convener of any one committee). Having no limit will assist smaller parties in making their nominations.

Should there be an opportunity for candidates to provide a short statement (oral or written) in support of their election?

16. Given the number of convener elections that would be taking place in one sitting, such as at the start of a session, we believe oral statements from each nomination could unduly stall the proceedings of Parliament.

17. Therefore, a written statement in support of a candidate's election should be permitted, should the nominated candidate wish to issue one.

Election Process

What method of election should be adopted, and should the election of Committee Conveners be carried out by secret ballot?

18. We are largely content for the process itself to be worked out by the Committee and we would suggest a process similar to that used for the election of Presiding Officers.
19. However, to encourage the absence of any party influence on individuals we strongly believe that the election should be conducted by secret ballot.

Removal of Conveners

Should the rules regarding removal of a Convener also be changed to require a vote of the Parliament rather than of the Committee as is currently the case?

20. We believe that, if the whole Parliament has the opportunity to elect conveners, then the whole Parliament should also have the opportunity to remove Conveners through a vote.
21. The criteria for removal should be clearly outlined in official guidance and should preclude vexatious challenges. We are content for the SPPA Committee to determine this criteria.

Removal of a Convener by a Committee currently requires an absolute majority. If the rules regarding removal of a Convener were changed to require a vote of the Parliament, should that vote require an absolute majority?

22. We support the retention of the requiring an absolute majority to remove a Convener in a vote of the whole Parliament.

Other issues

Do you have any other comments regarding the election of Committee Conveners?

Salary

23. As outlined in our response regarding advantages and disadvantages, we believe elected Conveners should receive an increased salary to reflect the

duties involved. While we are content for the value of this to be determined by the SPPA Committee, the stipend for Deputy Presiding Officers could be a useful starting point.

Unclear how this would lead to gender balance

24. It is unclear how the proposed process would affect the Parliament's aims on gender balance. Perhaps the SPPA Committee could come to a view during its inquiry.

Guidance on a Convener's powers and authority

25. As has been mentioned in our response, having elected Conveners with proper checks and balances could improve the committee process. However, to do so, we believe the SPPA Committee should consider publishing formal guidance on the powers and authority of Conveners.
26. Some of our Members have highlighted a lack of clarity on what a Convener is and is not able to do. For example, writing letters on behalf of the committee with or without the committee signing off.
27. We also believe that heightened powers for Conveners would be in order if a mechanism for removal of Conveners, with supporting criteria, was also published in guidance.

Committee membership numbers

28. It would be useful if the SPPA Committee could consider whether having elected Conveners impacts at all on the number of committee members each party receives.
29. For example, would any heightened accountability (and powers, if accepted) lead to a requirement for greater impartiality, meaning the Convener was not included in a party's allocation of committee seats? Any such change may have implications on casting votes (E.g. moving towards "Status Quo" rule that the Presiding Officer uses).
30. If a Convener is removed from the role via a vote, would they also be automatically removed from the Committee?

Timing of process and effect on committee membership

31. Regarding the timing of the process, the convenership election would presumably take place before committee membership motions have been passed and the committee has met. Although, the SPPA Committee may of course choose another process.

32. A question that arises is whether a Convener is made a committee member through their election (either automatically or via a bespoke motion following their election), or whether they must then be included in the usual Committee Membership motion lodged by the Parliamentary Bureau.
33. If Conveners are to be made committee members through the existing Committee Membership motion, then a circumstance could arise where, following a successful election, they are then denied the ability to join the committee through a vote on the Membership motion.
34. We would welcome the Committee's consideration of this issue in its inquiry.

In-session vacancy

35. This raises further issues regarding in-session changes:
- a. When a vacancy arises, would the outgoing Convener automatically withdraw from the committee?
 - b. How would the election affect committee membership?
 - c. What if the outgoing Convener wished to remain a committee member?
36. It would be useful if the SPPA Committee could consider a proper order of events for these eventualities. For example:
- a. Existing Convener resigns
 - b. Outgoing Convener automatically withdraws as member of the committee / resigns from the committee
 - c. Nominations open for new Convener
 - d. Parliament elects new Convener
 - e. Convener is made a member of the committee (unless they were already a member)
 - f. Outgoing Convener, if they wish to remain a member, is made a member again through a Committee Membership motion
37. The above order of events would obviously look different if the Convener was not included within a party's allocation of committee seats and may be simpler. For example:
- a. Existing Convener resigns
 - b. Nominations open for new Convener
 - c. Parliament elects new Convener
 - d. Outgoing Convener, if they wish to be a member on the committee, is made a member through a Committee Membership motion, in line with the party's allocation of seats, to which they now counted against.
38. Furthermore, if a Member of a committee, which meets on the same day as the committee with the Convenership vacancy, is nominated for and elected to the Convener role, are they automatically removed from their existing committee (in line with the inability for a Member to be a member of two clashing committees)? The alternative would be resigning membership before the election which does not seem sensible as there is no guarantee of victory.

Certain Committees should not have Governing party Convener

39. Finally, a few of our Members were concerned that the current Convenership system allows Governing parties to convene committees which are direct checks and balances on the Government.
40. These include the Delegated Powers and Law Reform and Public Audit Committees.
41. We would be grateful if the SPPA Committee would take a view on whether a Standing Order Rule should be made which requires the nominee(s) for Convener of these committees to be from an opposition party.