



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Standards, Procedures and Public Appointments Committee

**Thursday 20 April 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**9<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Patrick Harvie (Glasgow) (Green)

**COMMITTEE MEMBERS**

\*Tom Arthur (Renfrewshire South) (SNP)

\*Emma Harper (South Scotland) (SNP)

\*Daniel Johnson (Edinburgh Southern) (Lab)

\*John Scott (Ayr) (Con)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

John Finnie (Commission on Parliamentary Reform)

Richard Leonard (Central Scotland) (Lab)

John Mason (Glasgow Shettleston) (SNP)

John McCormick (Commission on Parliamentary Reform)

Colin Smyth (South Scotland) (Lab)

**CLERK TO THE COMMITTEE**

Douglas Wands

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Standards, Procedures and Public Appointments Committee

*Thursday 20 April 2017*

*[The Convener opened the meeting at 09:45]*

### Interests

**The Convener (Clare Adamson):** Good morning and welcome to the ninth meeting in 2017 of the Standards, Procedures and Public Appointments Committee. I remind everyone to switch their mobile phones to silent so that they do not interfere with broadcasting.

Under agenda item 1, I invite Emma Harper, who joined the committee today, to declare any relevant interests. I give a very warm welcome to Emma.

**Emma Harper (South Scotland) (SNP):** Thank you, convener. I am parliamentary liaison officer to Fergus Ewing, who is the Cabinet Secretary for Rural Economy and Connectivity.

## Decision on Taking Business in Private

09:45

**The Convener:** Under item 2, we are asked to agree whether to take in private, at future meetings, the deliberations on our review of the format of the code of conduct for members of the Scottish Parliament. Members will be aware that we asked the clerks to look at simplifying the code with a view to making it more accessible and readable, while not changing any of the existing rules. Does the committee agree to review the code in private at future meetings?

**Members** *indicated agreement.*

## Cross-party Groups

09:46

**The Convener:** Item 3 is on cross-party groups. The first group that we have to consider today is the proposed cross-party group on WASPI—women against state pension inequality. I welcome Richard Leonard MSP to the meeting and invite him, as co-convener of the proposed group, to make an opening statement.

**Richard Leonard (Central Scotland) (Lab):** Thank you for inviting me this morning. The cross-party group on women against state pension inequality has two formidable conveners in the shape of Jackie Baillie MSP and Sandra White MSP. The group arises from a grass-roots campaign that was sparked off in 2015 in response to the implications of the Pensions Act 1995 and the Pensions Act 2011, which accelerated the state retirement age for women from 60 to 65, and then to 66 and 67. The controversy arose because there was little or no individual notification of the changes and considerable concerns that the original timetable had been accelerated, leaving many women little time to prepare.

It is estimated that around a quarter of a million women in Scotland alone were born in the 1950s and are affected by the pension changes. There are 24 local WASPI groups throughout Scotland, from Sutherland in the north to Berwickshire, Roxburgh and Selkirk in the south. The secretariat for the cross-party group will be provided by one of the activists in the Lanarkshire group, Anne Potter. The cross-party nature of the group is demonstrated in our submission. It includes Patrick Harvie MSP and Alison Johnstone MSP from the Scottish Green Party, three Scottish Labour members and four MSPs from the Scottish National Party. We do not think that the cross-party group will especially overlap with any existing cross-party groups. There will be occasions when cross-fertilisation would be helpful. For example, Sandra White and I are on the cross-party group on older people, age and ageing and it may be that there will be some shared interests there.

The main purpose of the group is to raise awareness, not just inside Parliament but outside it. There are still women out there in Scotland who do not know that they are affected by the changes. We see ourselves as having a role in trying to raise awareness. The WASPI campaign's demand is pretty straightforward. It is for fair transitional arrangements to be put in place for all women born in the 1950s who are affected by the changes. In short, it is a demand for justice and equality. We think that this Parliament is close to

and in touch with the people. This is an issue of grave concern to a large number of women in Scotland and the group is precisely the kind of cross-party group that we think the Parliament should initiate.

**The Convener:** Thank you, Mr Leonard. Are there any questions from the committee regarding the group?

**Daniel Johnson (Edinburgh Southern) (Lab):** This is a very important issue and well worth the focus of a CPG. I will look at your future work with interest.

**Emma Harper:** The group is a great idea. There is a Dumfries and Galloway WASPI group, which might not be aware that it needs to connect up with everybody. If the CPG goes ahead, I am happy to make the Dumfries and Galloway group aware of it.

**The Convener:** I thank Richard Leonard for his attendance this morning. The committee will consider, under item 5, whether to approve the application for recognition, and you will be informed of our decision as quickly as possible.

The second group for consideration today is the proposed CPG on inflammatory bowel disease. I welcome Colin Smyth MSP to the meeting. Colin is a member of the proposed group. I should declare an interest as I, too, am a member of the proposed group. I invite Mr Smyth to make an opening statement.

**Colin Smyth (South Scotland) (Lab):** I thank the committee for the invitation this morning.

Inflammatory bowel disease is the collective term that we use for Crohn's disease and ulcerative disease, which are lifelong conditions that can develop at any age but usually do so in people's teens and early 20s. IBD affects approximately 300,000 people in the United Kingdom—one in 210—with 18,000 new cases diagnosed every year. In Scotland, 26,000 people are diagnosed with the condition, which is the highest rate of IBD in the UK. One of the main reasons why the CPG was proposed is that few people are aware of the number of people who are affected by what can be an incredibly debilitating condition. A core aim of the group is to raise awareness of the high incidence of IBD and the impact that living with the condition has on sufferers' lives.

As well as raising awareness of IBD and its effects, the CPG aims to be a forum for third sector organisations and health professionals to share best practice and the diagnosis, research and treatment of inflammatory bowel disease. A major focus of the group's work would be on promoting and monitoring the implementation of the national blueprint for IBD in Scotland, which

was produced through a collaboration between Crohn's and Colitis UK, the national health service, health professionals and patients, and the Scottish Government. The blueprint is key to delivering the Scottish Government's commitment that those in Scotland living with IBD are able to access the best possible treatment and support.

Currently there are no other groups in Parliament looking at the issues that are specifically faced by people with IBD. Lifetime treatment of IBD per individual affected is comparable to the cost of the treatment of other major diseases, such as diabetes and cancer. However, at present it is a condition that does not receive a great deal of attention. We therefore feel that the CPG is very much in the public interest and that it will make a useful and practical contribution to the development of treatments and services for those suffering from IBD, while raising awareness of the condition across Scotland.

**The Convener:** Thank you. I invite any questions from members.

**Alexander Stewart (Mid Scotland and Fife) (Con):** Good morning, Mr Smyth. You have hit the nail on the head when you say that the group will try to raise awareness of the condition. How will you get the message across to the various sectors? You have indicated in your application that a number of organisations will participate. Will any one of those organisations take a lead in the process to ensure geographic coverage?

**Colin Smyth:** The secretariat will be provided by Crohn's and Colitis UK, which has increased its work in Scotland. It has a member of staff funded through the Health and Social Care Alliance Scotland, one of whose key roles is to lead raising awareness throughout Scotland. One of the first pieces of work that we want to do is to raise awareness across health boards in Scotland. For example, we have invited the chair of the health board chief executives group to come to a future meeting, to make him aware of concerns of people who suffer from the condition, and of the fact that there is a postcode lottery, with different treatments in different parts of Scotland. One of the key things for the group is that it includes individuals who suffer from the condition, and I have to say that the stories that we heard from them at the first meeting were harrowing. We want to raise awareness of how the condition impacts on individuals and their lives, and that will be a key part of the role of the group.

**Alexander Stewart:** Thank you. I wish you well.

**The Convener:** I thank Colin Smyth for attending. We will consider whether to approve the application for recognition under item 5, and you will be informed of our decision as quickly as possible.

The final group that we have to consider today is a proposed cross-party group on freedom of religion or belief. I welcome John Mason MSP, the proposed convener of the group, and invite him to make an opening statement.

**John Mason (Glasgow Shettleston) (SNP):** I thank the committee for considering this cross-party group for approval. As members may know, there was previously a similar cross-party group on religious freedom, which was led by Dave Thompson, but we deliberately did not carry it on and wanted to restart in a slightly different format, although there will be similarities. We considered different options and discussed them at our inaugural meeting, but we came up with the phrase

"freedom of religion or belief",

which is somewhat wider than the previous title, which only mentioned religion.

Members have the registration form, and I can only apologise for not properly notifying the clerks about our inaugural meeting. That was an oversight on my part and the part of my office. I also realised when I was looking at the form this morning that Alex Cole-Hamilton is down as a Conservative, and obviously he is not, so I apologise to him. We have at least one MSP from each of the five parties, which is quite encouraging. The deputy convener is to be Murdo Fraser, and we now have a secretariat in place, which is Interfaith Scotland, although that was not the case at the time when we completed the form.

Religion is a major part of many people's lives, both in Scotland and around the world, and it is a major reason why people around the world are having a difficult time in quite a number of countries. There is no other CPG that specifically looks at religion, although I agree that it can touch on many areas. To take North Korea as an example, it would be at the top of most people's lists for being an oppressive regime, and religious people in that country—or anyone who does not agree with the regime—can have an extremely difficult time. A cross-party group cannot solve those problems, but we can air them. We can discuss the situation and how people are suffering in such countries, so I hope that the committee will approve the group. I am happy to take questions.

**Patrick Harvie (Glasgow) (Green):** I am looking at the new title, compared with the title of the previous group that covered this area. The previous group was criticised for being focused on freedom of religion in a narrow way, and for not encompassing freedom from religion, and the phrase "religious freedom" should cover both. How do you expect the work of this group to differ? Is its remit intentionally broader? I notice that there are no non-religious belief organisations yet listed

in the group's membership. How do you anticipate that changing?

**John Mason:** We are open to anybody being part of the group and attending if they want to. We have been in touch with the Humanist Society Scotland, which was invited to the first meeting but declined to come. It was only at that first meeting that we decided exactly what the remit would be, and perhaps some people had thought that it would just be about religion. As you have noted, we are specifically widening our remit and would be happy to take anyone who wants to be a member—MSPs, individuals and organisations.

However, I would also say that I think that religion can be overlooked in some circles and the group will focus on religion, if not exclusively. Within religions, there are clearly different experiences. Muslims in Myanmar, for example, are facing a difficult time, as are Falun Gong in China, but the main group that is being persecuted around the world is Christians, so there is likely to be a focus on that.

10:00

**Patrick Harvie:** Regardless of whether any particular organisations choose to get involved, you would say that the remit covers not only the freedom of people to practise religion but the right of people to be free from having religion imposed on them?

**John Mason:** Absolutely, because leaving a religion for another religion or leaving a religion for no religion are areas of concern.

**Patrick Harvie:** Or never having had one.

I see that most of the group's focus is going to be on the international aspect, but the application says that the group could

"look at issues in Scotland and the UK".

What might some of those issues be, and do you anticipate any difficulties arising from conflicts or tensions between religion and other equality strands? How might you deal with those?

**John Mason:** That raises a range of issues. We have left the remit deliberately open, but my thinking, and that of the previous group, was on the situation overseas. I have mentioned the Equality Act 2010 and, as it happens, I was involved in that act going through Westminster. There can be a tension between the different protected characteristics because they were not ranked and neither does the act say that they are all equal. When the act was written, that was an inherent flaw in it. It should have said that everything was equal or that there was some kind of ranking.

I accept that there can be tensions, but I doubt very much that this group will get into that kind of thing, because we are focusing on the religious. If a situation did arise in which some people had a problem with being religious—one of my colleagues was criticised for having ash on her forehead on Ash Wednesday—it would be of interest, but I do not think that such things will be the main focus of the group.

**Patrick Harvie:** The group in the previous parliamentary session had an organisation appointed to provide its secretariat. I do not see a decision on that in the paper. Have you considered the criticisms that were made of the organisation that was chosen in the previous session? It cites its founder as saying that its purpose includes

"to heal the wounds inflicted by atheism".

Have you considered that and reflected on whether it was appropriate?

**John Mason:** Maybe that is one of the reasons why we have decided to start a new group rather than continuing with the previous one. I see the group as a new group. We discussed the secretariat at the initial meeting. Unfortunately, Interfaith Scotland could not attend the meeting, so we could not decide on the day. Everybody felt that it would be an appropriate group because, by its very name, it is interfaith. When we asked Interfaith Scotland, it said that the request would have to go through its board and it has now agreed to provide secretariat support.

**Patrick Harvie:** I certainly think that that would be an improvement.

**John Mason:** I will let you judge that.

**Patrick Harvie:** Thank you.

**The Convener:** As there are no further questions, I thank John Mason for his attendance. The committee will consider whether to approve the application for recognition at item 5 and you will be informed of our decision as quickly as possible. Thank you for your attendance.



## Commission on Parliamentary Reform

10:04

**The Convener:** Agenda item 4 is an evidence session with the commission on parliamentary reform. We are delighted to welcome to the committee John McCormick, chair of the commission, and John Finnie, a member of the commission.

I invite Mr McCormick to make an opening statement.

**John McCormick (Commission on Parliamentary Reform):** Thank you very much, convener. John Finnie and I are delighted to be here. Thank you for inviting us.

I will make just a brief opening statement; I hope that we can cover other ground in questions. The last time that we spoke, when Fiona McLeod and I gave evidence, we talked about the three stages of our work on the commission on parliamentary reform: the planning stage, the engagement stage and the reporting stage. We have completed the planning stage and the engagement phase, and we are in the early stages of considering all the evidence that is before us, after which we will agree our recommendations. We are still on target to provide our report to the Presiding Officer and Parliament by the end of June.

Since we last spoke, we have had 12 formal meetings, at which we have taken evidence from some 55 witnesses. We have travelled across Scotland to take part in workshops, meetings and conferences and to seek views on how people feel that the Parliament is working. We have met some 1,200 people at more than 50 events. We have included not just those who have deep experience of working with the Parliament, but those who might not have thought of becoming involved because they did not think that the Parliament was for them. We have met representatives of the black and minority ethnic communities, homeless people and disability groups, for example, and we can talk more about that later, if the committee would like more detail.

We have received 104 written submissions, which run from half a page to 52 pages, all of which are available for you to read on our website, and we have provided a very helpful summary. We have appointed Professor Paul Cairney of the University of Stirling to act as our adviser. We have also undertaken a range of research to find out what we might learn from comparator legislatures across the world, and we have a strong paper that assesses the impact of new deliberative engagement techniques in different

parts of the world. The Scottish Parliament information centre has provided an extremely helpful analysis of the Parliament's first four sessions, and the data makes very interesting reading. We are going through that at the moment to see what trends there are and what lessons we can learn.

The impression from our engagement across the country is very positive. I have been struck by how much people value the Parliament. Many people see their MSP as their key link to those who make decisions on their behalf and think that each MSP brings the feeling and experience of their community into the Parliament. Even people who say that they are not too interested in the detail are happy to trust their MSP to get on with the job. The overarching feeling is that the Parliament is of great value; there is great respect for it and it is held in high esteem.

We are now at the stage of reflecting on all the evidence, setting priorities and developing recommendations.

**The Convener:** Thank you.

You said that you are still on track to present your report to the Presiding Officer by the end of June. Will this week's events and the upcoming general election have any impact on your ability to meet that deadline?

**John McCormick:** I do not think that it will have any impact at all. We want to stick to our timetable and present our report to the Parliament before the recess. That will put an extra burden on the political nominees on the commission, who will be engaged in other things that I will not be engaged in. We are on track.

**The Convener:** I invite questions from members.

**Alexander Stewart:** You are to be commended for and congratulated on the extent of the work that you have done so far. Since you appeared before us only a few weeks ago, you have had the opportunity to have dialogue with people. From what you have said, that seems to have been a very positive experience.

I want to ask about how you involved people who were perceived to be less involved with the Parliament and how you sought to engage them in the process. It would be good to get an indication of how that came about, because that group is the market that we are interested in. You took on that challenge, and I would like to hear a bit more about that.

**John McCormick:** Both of us can respond on that issue. At the outset of the process, we contacted a lot of groups to explain what we were about and to ask for their help. For example, we asked people who were already holding

conferences or workshops whether we could take part—we asked people to give us some time at events that were already in the calendar—and we offered to arrange events.

With the Council of Ethnic Minority Voluntary Sector Organisations, we had a meeting in Easterhouse of people who represent different aspects of diversity. We had a meeting here in the Parliament with people who are on the Commission for Racial Equality's political mentoring scheme. The Cyrenians helped us to meet people who had suffered homelessness or who had been in care. We went to a range of organisations across the country and they were terrifically helpful to us. We met them in Arrochar, Skye, Easterhouse and even Inverness.

**John Finnie (Commission on Parliamentary Reform):** We also thought that it was important to engage with people where they would be comfortable. The commissioners went out in groups and sometimes individually. For instance, I met a group of looked-after children in Falkirk at their normal meeting place on a Wednesday night, and I very much enjoyed the pizza that was laid on. It was important to engage with people in that way. Similarly—again, I am being parochial—we met members of the Lochaber disability forum at a location where they would ordinarily meet. We also met with the Highland Senior Citizens Network. We were keen to get the views of all sectors of the community.

**Alexander Stewart:** Having done that, you will have a real flavour of what is out there and of people's perceptions of the Parliament. It is good to hear that there is a high level of respect and value throughout all the sectors.

**Emma Harper:** Good morning, and thank you for coming to the committee today. This is the first meeting that I have attended, and I read the information ahead of the meeting. In discussions around parliamentary reform, a lot of people are interested in how we market the work that we do here in contrast to what is done at Westminster, for instance. A lot of what is seen is First Minister's question time on a Thursday, although there is a lot happening in committees as well. Just yesterday, a local farmer referred to this place as "the Scottish office". I find it quite a challenge when people still refer to this Parliament and the Scottish Government as an office. I am interested in how we explore the work of the Parliament and how we get the information out there.

**John McCormick:** Part of our remit is to look at the identity of the Parliament as distinct from that of the Government and the role of the individual parliamentarian. We are looking at a range of issues that have been raised with us around strengthening the role of the individual parliamentarian, the role of the committees and

their conveners and the relationship between the committees and the chamber. When issues are discussed in committee, what is the relationship between that and what happens in the chamber? We are looking at a range of issues across the board.

**John Finnie:** Indeed, and identity is key to enhancing the role. We are all guilty of using shorthand, and the term "Holyrood" is used to refer to the Government, the Parliament building, the committees and the whole political structure. Nevertheless, there is a level of knowledge out there. One of the groups in central Scotland that I met initially said that they did not know anything about the Parliament. They then said, "Oh, we did that thing in primary school," and it became clear that a third of them had visited the Parliament. There is a lot of knowledge out there, but Emma Harper is right that a key element is breaking down the components of the party of government, the Government, the Parliament, the parliamentary staff and the Government staff. We need clear distinctions between them. A recurring theme was that the term "Holyrood" is confusing when it is used as shorthand.

**John McCormick:** We had a session with the media in which we discussed that very issue in their reporting of the Parliament and how they distinguished, within their guidelines, between the different areas of Government, civil service, Parliament, committees and so on. We hope for some positive feedback following those discussions. People from different legislatures have told us that one of the most difficult things is to identify the role of the Parliament as distinct from that of the Government, because the Government gets all the publicity for the decisions that it makes. We are aware that there is no easy solution.

We gave people an ice-breaking quiz on the Parliament, which was about the role of the Parliament and who is responsible for what. A lady in Kilmarnock, which is my home territory, said to me, "Och, well. It doesn't really matter to me, son"—I knew that I was back in Ayrshire, because nobody has said that to me for a long time—"I trust my local MSP and he'll help me. He'll work it through for me and put me in the right direction." Someone in Glasgow put it more succinctly when they said, "You're not going to make it compulsory that I understand who is responsible for what, are you?"

There is a range, but most people get the gist. They understand that domestic legislation that matters to their family and to the people whom they care about is the responsibility of the Scottish Parliament and they work out from there.

10:15

**The Convener:** I will ask a supplementary on that. I know that you have visited other devolved areas and Parliaments. Have you found a digital strategy that works in a more modern way than the one that we have in the Scottish Parliament? Have there been any representations about the use of digital media on the Parliament website? We have a very basic contact sheet as parliamentarians. We cannot put multimedia on it or have control over what we put on it. Have you seen other areas that do it better or differently?

**John McCormick:** In many legislatures, the people to whom we spoke are dealing with that issue at the moment because of the pace of change. They have established a set-up and now it needs to be improved or enhanced, so many of them are discussing that.

We are particularly interested in developments in the Welsh Assembly, which has introduced a number of changes to engage people through digital means. It has a review team that is sitting at the moment and will report—helpfully, in May before we make our report—about how the Assembly can report its issues to the people of Wales in a more attractive and engaging way. We have been keeping in touch with them and they have been keeping in touch with us since October. We are working in parallel.

We had a helpful session with some digital experts in Galashiels, at which we also had great team support from senior pupils from Galashiels academy. We spent the day there and we took terrific evidence from Nesta and other colleagues, including from the Welsh Assembly, about developments in digital, so we will have something to say about digital engagement in our final report.

**Tom Arthur (Renfrewshire South) (SNP):** Mr McCormick, you made a point about people being aware that the issues that matter most in their lives are decided by the Scottish Parliament. Have you been able to pick up anything about why turnout for Holyrood elections is consistently lower than that for Westminster elections and how that relates to people's understanding of the Parliament and its role?

**John McCormick:** I would not like to speculate on that at all. I have studied turnout over the years in my role as an electoral commissioner. It is certainly intriguing. We would expect the turnout for local elections to be lower than that for Scottish Parliament elections and we would expect the turnout for Scottish Parliament elections to be lower than that for the UK parliamentary elections but there has been a change in the past few years and Scottish turnout has increased in a number of different electoral events.

I would not like to speculate about turnout, except to say that people were clear that, if they needed help, they would go to the MSP. That does not mean that they understand precisely everything that matters, such as whether refuse collection, roads, transport or licensing are MSP or local authority responsibilities. However, I felt a great sense that, because health and education are Scottish Parliament responsibilities, the Parliament matters to the family and would be the first port of call for people. I found that encouraging, and I hope that it will lead to an increase in turnout.

**Tom Arthur:** It is interesting that you say that people perhaps trust their MSPs to get on with the job. I am speculating, but might the explanation for the lower turnout be not that people are disinterested in the Scottish Parliament but that they are content for it to get on with the job and do not feel a need to intervene by voting to the same degree as they do at Westminster?

**John McCormick:** I could not speculate on that. Could you, John?

**John Finnie:** No. It is fair to say that part of our work has concerned people responding about how they understand the Scottish Parliament at the moment. John McCormick talked about the innovation on engagement in Wales. We want engagement across the range, not simply digital engagement, as we know that there are a number of areas where that is not practical. I hope that, the greater the engagement is, the more that will be reflected in greater interest.

**Daniel Johnson:** I am keen to ask about the comparative work that you have been doing on devolved and national legislatures of comparable size. What are the emerging themes from that work? Where are the interesting points of comparison and contrast based on your work so far?

**John McCormick:** Interestingly, we found that, across the board, most are dealing with the sort of issues that we are dealing with, such as the identity of the legislature as against the Government.

Capacity does not seem to be much of an issue. On the number of elected representatives, it seems that Holyrood is not out of kilter with similar legislatures of similar size around the world; there are no great differences in the number of members. However, there are quite distinct differences in the role of the presiding officer or speaker, and there are some differences in post-legislative and pre-legislative scrutiny. There are different ways of organising chamber and committee time and managing the allocation of the parliamentary week. We have learned quite a lot

about that, and we have a lot of data that we are currently going through.

In general, it is about managing efficiently and effectively the time that is available for the parliamentarians to do their work in both the legislature and their constituencies, and balancing the two.

**Daniel Johnson:** One issue that has been discussed among parliamentarians in recent months concerns the role of the business managers and the Parliamentary Bureau, not only in managing chamber time but in selecting speakers. One of the big points of contrast between Holyrood and Westminster is the role of the Speaker in choosing speakers in the House of Commons, in comparison with the situation in the Scottish Parliament, in which speakers tend to be nominated by business managers.

Will any of those procedural points form part of your work? Are there any emerging themes with regard to the way in which process and procedure could be reformed to increase spontaneity and the range of views that are heard in the chamber?

**John McCormick:** Yes—we are looking at a range of issues, in a range of ways, that relate to parliamentary time, debates and the role of the Presiding Officer. We are also looking at the work of the committees in engagement and in scrutinising legislation, and the balance between those two roles. We are looking at the legislative role and the select committee role and the balance between those functions.

Practice varies between legislatures with regard to whether the chamber can meet in parallel with committee meetings. We have been considering what the unintended consequences of that might be. Different legislatures have responded in different ways.

**John Finnie:** There is fairly recent experience in the Republic of Ireland in terms of how the legislature has gone about business. We also looked at New Zealand and other places. We have had a number of representations on the ability of the presiding officer or speaker—call them what you will—in other Parliaments to select someone to speak on the basis of their known expertise or background in a subject. Again, that is about the relationship between the party, the individual role of the parliamentarian and the role of the person who is chairing the session. We have had a range of information on that.

**John Scott (Ayr) (Con):** Good morning, and thank you for your work thus far. I want to talk about two things. You may or may not have said all you wish to say about structural change to make the Parliament work better and more efficiently, given the workload—at any rate, the perceived workload—that is likely to come post-

Brexit and post the implementation of the Scotland Act 2016. Would you like to add anything about how committees can work better?

**John McCormick:** We are looking in great detail at the balance of time in committees: the different stages, the time between the stages, when the bill goes to the chamber, and the time in the chamber before the decisions are made. We are working through that, so I cannot say much more than that we are taking a careful look at how bills are scrutinised in the committees and how that relates to the decision time in the chamber.

**John Scott:** I was thinking in particular of committees that meet on a Thursday morning, for example, coming up against the hard deadline of general questions. Some committees find that sort of inflexibility pretty crushing in a way, so perhaps we need to change the sitting times of Parliament to accommodate that—

**John McCormick:** I am sorry to interrupt, but the point about the particular difficulty with Thursday morning committees being able to meet only until 11.30 because of chamber business has been made to us very forcibly by a number of MSPs. We are looking at the best use of the time so that committees can get their work done in a proper amount of time and they are not rushing to do the job, as a number of people have said to me.

We have found some interesting statistics. Sometimes themes emerge when we look at the stats, and we are not quite sure where they take us. However, we have found that most bills are introduced in the last 15 months of a parliamentary session and that more chamber time is spent on bills in the last year of the parliamentary session. That is from an analysis of the first four sessions. It is interesting that there were the lowest number of bills and the lowest number of committee inquiries in session 3. Therefore, it might not simply be about looking at the parliamentary week; maybe it is a matter of looking at the parliamentary year to see where chamber time is at its most valuable and necessary and where committee time is more valuable and necessary.

We are looking at all those things. As I said, we have not taken any firm decisions yet, but we are scrutinising very carefully.

**John Scott:** Okay. I am interested in the places that you have been to and the impact of rurality in relation to people feeling connected with the Parliament. For example, I am surprised that you have not been to Dundee or Perth, or to Ayr, which is my constituency. I congratulate you on where you have been, but notwithstanding that and without being too critical, I think that the approach seems quite central-belt focused. The

people who feel most disconnected are often those who are the furthest away.

**John McCormick:** As you know, I never want to miss an opportunity to go to Ayr. We have been to Ayrshire—at least I can tick that box.

We went to a range of places around the country—Inverness, Aberdeen, Galashiels, Arrochar and Skye—in an attempt to get a balanced view of the Parliament's impact from those in rural and island communities as well as those who are in the central belt and the cities. I am sorry that we missed out Dundee, but we did Aberdeen.

**John Finnie:** We did. It was interesting that, in Fort William, which is in my part of the world, there was certainly a view from the people whom we met at the disability forum that the disengagement was not so much between Lochaber and the Parliament in Edinburgh as it was—ironically—between Lochaber and the council in Inverness, 65 miles away. There is no doubt that people's individual experiences shape their views of the Parliament but, by and large, I do not think that the distance was necessarily seen as a problem with regard to awareness of what was going on. Rather, the problem was perhaps people's ability to come to the Parliament. It certainly seemed that people in the areas that are furthest from the Parliament were very appreciative that the Parliament has gone out to them. We have been looking at that again in relation to how the week can be diarised to enable committees to get out and meet people, as we found that that was very much appreciated.

**John McCormick:** I would like to underline that. That is one of the key issues to come through. In Arrochar, for example, we piggy-backed on to an all-day conference on the Community Empowerment (Scotland) Act 2015, so we had 70 to 80 people who were really involved in the community helping us and talking about that. They said that they understood that it is expensive to come to Arrochar, that a whole committee could not be expected to go there, or to parts of Argyll or the islands, and that it cannot all be done digitally, although some of it can—some of it can be done by telephone conferencing. However, there will be occasions when people want committees at least to consider sending one or two members to meet people face to face—for example, in sessions like the one that we had. We do not yet have the broadband that can allow digital engagement throughout the country; when we can do that, it will be a good substitute. However, when local MSPs and people from Parliament have gone to those areas, that has really made a big difference to democratic engagement, because people felt that they could talk to them on their territory. A number of people said that that is much easier for them.

They understand the difficulties—they are not Pollyanna-ish about it, and they realise that it is costly in terms of time and resources—but it is much better for them to meet people from the Parliament in the comfort of their community, where they feel confident about talking and introducing people to their community issues, than it is for them to come here. They feel that there are barriers to coming to the Parliament, such as learning the language and the procedures.

10:30

**John Scott:** I would like to develop that theme, if I may. Cross-party groups, evening receptions and debates in the Parliament are very much part of parliamentary life, and I am very aware that it is almost too far away from my part of Ayrshire for people to come to those events. That must also be the case for people in places that are similar distances from Parliament. I am not sure how that engagement issue might be addressed. Those things are important to people's feeling of being engaged with our Parliament and are vital to success.

**John McCormick:** That certainly ties into the earlier discussion about digital engagement. The use of digital technology to allow scrutiny of what Parliaments do is quite advanced in some democracies. In Brazil, for example, a person can scrutinise a bill online and put in their comments. There is an opportunity with digital technology, but we must recognise that not everyone across the country can use it and that it does not get to some of the more rural areas that need to be involved. We learned that lesson very clearly in Inverness.

We received a very interesting submission from the north east multi agency chief executive forum in the Grampian region. Those chief executives said that they deliver services locally and are responsible to their electorate for them, but national services are also delivered in those areas. The police and the NHS have been represented at the table, and they are responsible to Holyrood. The chief executives would like the regional list system to be brought to bear in a cross-party way when issues affecting the north-east of Scotland are considered. The list MSPs, the constituency MSPs and the leaders of the local authorities could get together to discuss issues in the place where the decisions would be made. That was a very interesting submission.

**Patrick Harvie:** I am interested in those comments. Local authorities have been mentioned, but I do not see much in the way of written submissions from them. Have there been any? Do you expect to hear more from local authorities in formal submissions?

**John Finnie:** We took evidence from Councillor O'Neill of the Convention of Scottish Local Authorities, and we received from interesting comments from—forgive me if I get the name wrong—the Highland commission on democracy. We have had elected councillors and MSPs along at events.

**John McCormick:** I mentioned the north-east forum, where the local authority chief executives came together to put in a submission. I think that local authorities did things through COSLA to represent their views at the national level.

**Patrick Harvie:** Okay. I want to ask a slightly wider question about the process. Obviously, I am as keen as everybody else to get you to spill the beans on your conclusions, but it is a wee bit early for that. Have there been any surprises for you in the process? Have you encountered any unexpected problems or any perspectives or groups that have been harder than you expected to reach and hear from?

**John McCormick:** We have done a fair bit of work on diversity. We will all be surprised by different things, but, as an individual, it was a surprise to me that, although the Parliament had a very strong representation of females at the beginning, that seems to have stalled. The representation of females is in the low 30s, whereas the percentage was originally higher than that. That was a bit of a surprise to me, because I thought that the Parliament led on gender balance.

We have also looked at the representation of those with disabilities and those from black and minority ethnic communities. In terms of representation, we have seen that some legislatures set the standards for diversity across the board—the categories are much wider than those that I mentioned. That has been a very interesting area to explore to ensure that the Parliament keeps ahead.

Another other area that surprised me relates to use of technology. Other places are making better use of digital technology to interact with, engage with and feed back to communities than we have been able to do. The digital technology here was regarded as very advanced for the time, but a lot has happened since 1999.

**Emma Harper:** My question is similar to Mr Scott's question on the rural aspects. The commission's call for views closed on 27 March. You have been to Dumfries, Galashiels, Hawick and Peebles, so you know that South Scotland, the region that I represent, is massively rural and presents challenges in terms of broadband connectivity. Can you track online submissions by rural area? For example, do you know how many folk from Stranraer submitted their views? Can you tease out that kind of data?

**John Finnie:** That is a bit technical for me.

**John McCormick:** It is a good question.

**John Finnie:** We can find out and write to the committee about that.

**John McCormick:** We know where all the submissions that we received, and the 1,200 people whom we met, come from, but we have not been able to track the information in quite the way that you describe. The impact of engagement with the Parliament through people having digital technology and good broadband at their fingertips is not something on which we have enough data to generalise. We have a lot of anecdotal and individual evidence from people who told us about the importance of using digital technology to engage with the Parliament, but who also said that the broadband situation is frustrating and means that they cannot do that. Aside from such anecdotal evidence, I do not think that we have any evidence that is statistically valid, but I will take the question away and come back to you if I find that we have any such data.

**Emma Harper:** I sometimes find that, as information is rolled out from Edinburgh and the central belt to the rural areas, it takes longer for people to hear about surveys, and a consultation may have closed by the time people hear about it.

**John McCormick:** That point has been made to us about consultations in general. Not all consultations are open for the requisite number of weeks, so that people can prepare their submissions and get them in. General frustration with ill-timed consultations over the summer months or at Christmas or Easter has also been pointed out to us. People have made the plea that they should be able to give their views to a committee on a piece of legislation or on an issue that is being scrutinised.

**John Finnie:** It is fair to record that, on at least one occasion, the deadline for submissions has been extended, for the very reason that we want to maximise the information that we get.

**John Scott:** On that subject—and forgive me for not knowing—are you still open to representations being made, or has the deadline passed?

**John McCormick:** I am always open. I will keep the process open as much as I can for the next couple of weeks. Once we get into May, we will be doing granular discussions around the table. Someone described it to me as arm-wrestling, but I said, "No, we're not like that. We work very co-operatively together." That is what we plan to do once we get into May, but I am happy to speak to anyone between now and then and to hear additional representations. We are grateful to the

members of the committee who have already made submissions to us.

**The Convener:** I want to pick up on a couple of points. On capacity, you said that the number of MSPs is not out of kilter with other devolved Administrations. In making that comparison, did you compare powers and devolved responsibilities? The Scottish Parliament has far more responsibility than the Northern Ireland Assembly or the Welsh Assembly in terms of devolved powers. Did you make a comparison on that basis?

**John McCormick:** Yes, we made that comparison. The detail is in the SPICe paper. We also compared the Scottish Parliament with fully free-standing national Parliaments of similar sized countries, such as New Zealand and Denmark. We have looked at the work that this Parliament does compared with what we know the Northern Ireland Assembly and the Welsh Assembly do, and that is fine. However, with the others, the issue is that powers vary greatly. We are aware of the great wave of powers that came in 2012 and 2016, and of what is waiting in the lay-by called Brexit, which will no doubt bring more powers to the Parliament. We must be aware of the fact that the Parliament will have increased powers, and we must consider how we can release time for the proper scrutiny to be done in relation to those powers and how we can engage with outside bodies and specialist groups.

We are very much aware of the reality that the responsibilities will become greater. We have to come up with a set of realistic recommendations so that, when the next wave of responsibilities comes to the Parliament, it is ready to take them on. I hope that our recommendations will take account of that.

**The Convener:** Obviously, the Parliament is an evolving institution and changes have been made in the past. I am interested in the comments about committees being able to get out and about. I will make a representation in that respect. A committee on which I sat previously was able to visit Orkney for a piece of work that we were doing. The visit was invaluable in helping our understanding of the issues around the bill that we were dealing with. One of the drivers behind the Parliament sitting for three plenary sessions each week was the desire for it to be seen to be doing more work, but the unintended consequence is that committee visits have been curtailed. Is that a theme or an area on which you have had representations?

**John McCormick:** Yes, it is a theme. I am very much aware of the fact that all-day meetings allow committees to work in different communities in a way that half-day meetings do not. We have had feedback from people who have met committee

members, and it is gratifying that such visits have been very much appreciated in communities throughout Scotland.

We hope to make a number of clear recommendations on the use of committee time, where committees meet and how they engage.

**The Convener:** I thank you in particular for your visits to diverse groups such as looked-after children. That work is important, because part of the commission's success will be an increase in diversity in the Parliament's representation.

The evidence session with the media has been mentioned. The focus in that session seemed to be on how the changes might affect them and their day job, rather than being about the people of Scotland and the commission's task of increasing scrutiny. How are you managing to balance those conflicting issues in your deliberations?

**John Finnie:** A lot of that session was connected with the promotion of the Parliament and with it being seen as more than the building; it was also about inhibitors to that promotion. The media play an important role, but they have limited resources at their disposal. We understand that they look at committees and see things that may be of interest, and we wanted to understand what the implications of some of the changes could be.

It is important to say that we have tracked the work of the Parliament over its entire lifetime, as you heard from John McCormick. The situation is evolving, and it is right that on-going checks should be made. Our engagement with the media was undertaken primarily to enable us to understand that issue. We covered the use of the term "Holyrood" as well.

**John McCormick:** I was disappointed that the session became all about the media and how they could get better facilities and better access. There is something in that with regard to allowing the Parliament to be more open to others, but I hope that, when the report is published, we can expect the media to explain the role of the Parliament better. There are some positive signs on that front.

**John Scott:** You mentioned granular discussions. At the risk of appearing parochial, as the convener of the Delegated Powers and Law Reform Committee, I have concerns—as you highlighted when you joined up the dots—about the post-Brexit era, given the amount of subordinate legislation that will need to be looked at. There are discussions about 1,000 statutory instruments going to Westminster, at any rate, and we will get our fair share of those, whatever they turn out to be.

When we add that to what you have already said about the pipeline of legislation that always comes through in the last two or three years of a

parliamentary session, I am particularly worried about the capacity of my committee and others—the committees vary in size—to cope with the workload. If we think we are busy at the moment, we ain't seen nothing yet, to be frank, in terms of what is coming down the track.

**John McCormick:** To some of the people who have spoken to us, increased capacity means an increase in the number of MSPs, or another chamber in which there can be further scrutiny. Those issues are on the table, but my view is that, before we can go with the argument that the Parliament needs additional members, we have to look at the way in which the parliamentary year is organised and run to see if more energy and time for scrutiny can be released.

10:45

A number of the people who have suggested that there should be more members also suggested reform of the electoral system. Given my Electoral Commission background, I am very much aware that we cannot introduce a change in the electoral system without a full-hearted review that would take a number of years. To be frank, we do not have a number of years before the extra powers come to the Parliament, if Brexit goes the way that we think it will.

I am not ruling anything out—everything is on the table at the moment—but we need to look at ways of releasing time and energy in terms of capacity with 129 MSPs, and at the way in which the Parliament does its work to cope with the extra powers that are coming. Any increase in the number of MSPs would take some time to realise—it would need to be agreed and funded first, and the electoral system would have to be modified. For a commission that has sat for eight months, it would be a big ask to go through the details and implications of all that. We may—indeed, we will—have something to say about it, but that would be in the future.

**John Scott:** For the avoidance of doubt, I was not suggesting that there was a need for more MSPs.

**John McCormick:** No—I know.

**John Scott:** It is a question of how to allocate workload better.

**John Finnie:** A lot of our work has been around workload analysis and how the Parliament's resources might be configured differently. People have talked about committee sizes—I know that your predecessor committee made a recommendation in that respect—and whether a slightly different configuration would be able to accommodate the workload. As John McCormick

said, we are looking at all the options that have been put to us.

**The Convener:** As there are no further questions, I thank you both for your work and for your attendance at the committee. We look forward to seeing the report towards the end of June; I am sure that the committee will return to it in the autumn.



## Cross-party Groups

10:47

**The Convener:** Item 5 is approval of cross-party groups.

If there are no comments on the proposed WASPI CPG, are members content to approve the CPG?

**Members** *indicated agreement.*

**The Convener:** If there are no comments on the proposed CPG on inflammatory bowel disease, are members content to approve the CPG?

**Members** *indicated agreement.*

**The Convener:** Are there any comments on the CPG on freedom of religion or belief?

**Patrick Harvie:** I have no objection to the creation of the group, but it is worth reflecting on some of the possible tensions that could exist between different equality strands in the group's remit. The Scottish Parliament has legal duties under the public sector equality duty in the Equality Act 2010, which I assume would apply to cross-party groups. An eye should be kept on that in the future.

**The Convener:** Do you wish to seek further clarification from the clerks or the legal team about that, or are you content to approve the group today?

**Patrick Harvie:** It would be helpful if the legal team was able to advise specifically whether the Scottish Parliamentary Corporate Body's duties under the 2010 act apply to cross-party groups. We might return to that at some point in the future.

**The Convener:** Okay. Are members content to approve the CPG?

**Members** *indicated agreement.*

**The Convener:** I will ask the clerks to seek that advice from the legal team.

**Patrick Harvie:** Thank you.

10:48

*Meeting continued in private until 10:52.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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