



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 9 November 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 9 November 2017

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
18th Meeting 2017, Session 5

CONVENER

*Clare Adamson (Motherwell and Wishaw) (SNP)

DEPUTY CONVENER

*Patrick Harvie (Glasgow) (Green)

COMMITTEE MEMBERS

*Tom Arthur (Renfrewshire South) (SNP)

*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

*Daniel Johnson (Edinburgh Southern) (Lab)

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

*attended

CLERK TO THE COMMITTEE

Joanna Hardy

Alastair Macfie

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 9 November 2017

[The Convener opened the meeting at 10:39]

Interests

The Convener (Clare Adamson): Good morning and welcome to the 18th meeting in 2017 of the Standards, Procedures and Public Appointments Committee.

I welcome Kate Forbes to the committee. As this is the first opportunity to do so, I thank Emma Harper for her contribution to the committee and wish her well in her new committee responsibilities. I invite Kate to make any relevant declaration of interests.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): I do not believe that I have anything to declare.

The Convener: Thank you.

Sexual Harassment and Inappropriate Conduct

10:39

The Convener: Under agenda item 1, the committee will discuss the reports of sexual harassment and inappropriate conduct at Holyrood. Daniel Johnson, a committee member, wrote to me on 30 October seeking support for examining a range of issues that are associated with support for people who find themselves victims of sexual harassment. The Presiding Officer, following a conversation with me, wrote to request formally that we examine the provisions of the "Code of Conduct for Members of the Scottish Parliament" that relate to MSPs' general conduct to ensure that the procedures remain fit for purpose and are as clear as possible.

I invite members to make initial comments regarding those requests.

Daniel Johnson (Edinburgh Southern) (Lab): The issue is of huge importance to the Parliament, wider politics and public life in Scotland. To reiterate the key points that I set out in my letter, there are three overarching points that are important if we are to consider the issue.

First and foremost, it is vital that the victims of the incidents that we have heard about in recent weeks have a safe space, that they feel confident to come forward, that there is a process in which they have confidence and that their reports are taken seriously. Secondly, the committee needs to stand ready to deal with any such issues and complaints seriously and use the full range of powers that it has available to it.

Finally, I strongly support the move to have an inquiry. We need to examine how a number of our existing practices and rules apply and might need to be revised to deal with the issues. In particular, we may need to revise the way in which the Commissioner for Ethical Standards in Public Life in Scotland works. When the commissioner's role was conceived, it was not conceived of to deal with such issues. In particular, there is concern about confidentiality, given the sensitivity of the matter.

Those are my main points. I also put it on record that, if it is to take forward that work, the committee and its individual members might want to consider our current gender composition of two women and five men. I will certainly raise the matter with Labour's business manager to see what we can do to address it.

The Convener: That is helpful.

Alexander Stewart (Mid Scotland and Fife)

(Con): It is vital that we have an inquiry. I concur with many of the comments that my colleague Daniel Johnson made. We have to show strength and confidence in the Parliament. The committee has a role to play in that so that we can give the right impression to individuals who have concerns and want the best to be done to protect individuals and give them the opportunity to come forward. It is vital that we secure that confidence and give out that message.

Other parts of the Parliament are addressing the issues and dealing with that, whether through the code of conduct or the parliamentary process. It is important that we feed into that and take information from them. We should have a united front on how we tackle the issue, manage it and ensure that the public have confidence in us. It is vital that we provide that confidence as we go forward. I look forward to taking part in ensuring that we do that.

Patrick Harvie (Glasgow) (Green): I thank Daniel Johnson for the letter that raised the issues. It is important that we have the opportunity to decide how to address the question.

I, too, support the idea of holding an inquiry. The work that is already in hand to set up a phone line in the Parliament will be useful. We will want to hear about the operation of that phone line and what is learned from the experience of setting it up. There is some discussion about whether it should ultimately be moved outside of the Parliament's human resources function to an independent body. We might want to consider that.

10:45

The building users survey that is being conducted should inform our work. I do not think that we will be in a position to make long-term recommendations until we see what comes out of that. Some general questions are already worth exploring. The phone line should be useful to address the lowest-level incidents, in which constructive challenge may be needed for somebody's behaviour; at the most serious end, plenty of organisations have third-party reporting of criminal offences, so ways can be developed to deal with offences that meet that standard.

Where we have a problem with our procedures is in the middle area, for incidents for which, in any other workplace, an employee might be disciplined or even dismissed for gross misconduct or something similar, but where a criminal charge is not involved. Those are not options for MSPs; I think that the most serious sanction ever issued by this committee involved exclusion from Parliament and withdrawal of salary for a month. At the most

severe end, we might be able to achieve something that is functionally equivalent to dismissal, but that would leave constituents unrepresented in Parliament, and the person could still represent themselves as an MSP. I am sure that we all hope that that circumstance would never arise, but the lack of an option is a gap that we need to explore.

On the question of gender balance, it has been suggested that we should hear from the Scottish Parliamentary Corporate Body during any inquiry. There is also discussion about the SPCB's gender balance; there is no consensus yet about whether we need to change our standing orders to allow additional appointments to the corporate body in the middle of a parliamentary session, which is not possible at the moment. If a change is proposed, I hope that it is done by consensus and agreement, but the committee might need to examine that area.

Kate Forbes: I agree with what has been said and I would support an inquiry. I notice with interest the lines written by Daniel Johnson about "culture, processes and rules". This committee has a critical role in ensuring that we all feel safe because we can depend on the standards in Parliament's processes and rules.

A second point about those processes and rules is to make them clear to everybody. No matter how good our rules are, if there is not understanding and clarity around them, people get into difficulties because of a lack of knowledge of how to raise an issue. That is a big problem in all of this.

We can do a lot with our rules and processes and ensuring awareness of them, but we need to be mindful that this situation has a lot to do with culture. It is important that we touch on that in an inquiry; I do not know to what extent this committee has responsibility for culture, but we can look at how we use rules and processes to change the culture.

The Convener: Thank you for those contributions. I am delighted that we all seem to be on the same page regarding the need for an inquiry—I am keen that it should go ahead. The work involved will be important and detailed.

We must remember that the Parliament's processes have never dealt with a complaint of this nature. Nonetheless, a review of the code of conduct will be quite a bit of work, which I will make as wide-ranging as possible to ensure a balanced view. I will aim to take evidence from equalities groups in Scotland—maybe Equate Scotland, which works specifically in employment—and legal experts in employment law, and maybe from unions or the Scottish Trades Union Congress. I am also keen that we

look at other legislatures that have had experience of the issues, such as Iceland. We will task the clerks to set up evidence sessions along those lines.

On timescales, we must be wary of the other work that is going on, so that we do not jump in with our suggestions for changes in rules or guidance before that work is completed. The survey will be issued within three weeks, but it might take a bit longer to collate the information, and there is also the work relating to the SPCB. This issue is important and we could get really meaningful evidence to move forward on it.

Thank you for your attendance. We have done all that we can for today.

Meeting closed at 10:50.

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