



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Standards, Procedures and Public Appointments Committee

**Thursday 18 January 2018**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**

**1<sup>st</sup> Meeting 2018, Session 5**

**CONVENER**

\*Clare Haughey (Rutherglen) (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)

\*Elaine Smith (Central Scotland) (Lab)

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Graeme Dey (Angus South) (SNP)

Susan Duffy (Scottish Parliament)

Lorna Foreman (Scottish Parliament)

Kenneth Gibson (Cunninghame North) (SNP)

David McGill (Scottish Parliament)

**CLERK TO THE COMMITTEE**

Joanna Hardy

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Thursday 18 January 2018*

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

#### Interests

**The Convener (Clare Haughey):** Good morning. I welcome members to the first meeting in 2018 of the Standards, Procedures and Public Appointments Committee. Agenda item 1 is to invite a new member of the committee to declare any relevant interests. Elaine Smith has joined us to replace Claire Baker MSP.

**Elaine Smith (Central Scotland) (Lab):** Thank you very much, convener. I am a non-remunerated director of McQuick, which produces bagpipe covers.

**The Convener:** Thank you, Elaine, and welcome to the committee.

## Decisions on Taking Business in Private

09:45

**The Convener:** Item 2 is consideration of whether to take in private item 7, which is an opportunity for the committee to discuss the evidence heard today on the committee's inquiry into sexual harassment and inappropriate conduct. Do members agree to take that item in private?

**Members indicated agreement.**

**The Convener:** Item 3 is a decision on whether to take in private its consideration of the evidence heard and a draft report on its inquiry into sexual harassment and inappropriate conduct at future meetings. Do members agree to do that?

**Members indicated agreement.**

## Cross-party Groups

09:46

**The Convener:** Item 4 is evidence taking on two proposed cross-party groups. The first group that we will consider is a proposed CPG on autism. I welcome Graeme Dey MSP to the meeting. Graeme is the co-convener of the group. I invite him to make an opening statement about its purpose.

**Graeme Dey (Angus South) (SNP):** Thank you, convener, and good morning. There has been a feeling for some time in the autism community, and perhaps also among MSPs, that the lack of a cross-party group on autism in the Parliament was a missed opportunity to raise awareness of autism issues. I am also conscious that there was such a group two parliamentary sessions ago.

In Scotland, it is said that about 58,000 people—young people and adults—identify as having autism, and they have more than 174,000 family members and carers, although I suspect that the numbers are considerably higher than that. There is a clear constituency of interest to highlight.

The Scottish Government strategy on autism identifies it as a national priority. However, I suspect that all MSPs would recognise from their surgery case loads that, in reality, the needs of the group are often not being adequately met. If approval is given by the committee to establish the cross-party group, the group will seek to bring together individuals, organisations and parliamentarians who have a shared interest to promote the interests of autistic people, their families and the carers at the Parliament with a view to influencing Scottish Government policy and improving the lives of that group.

As members will be aware, autism is often diagnosed alongside other conditions, some of which are the subject of a dedicated cross-party group. For example, there are CPGs on dyslexia, epilepsy, mental health and learning disability. Those CPGs undertake work that is relevant to autistic people but, as stated in the “Scottish Strategy for Autism”, autistic people

“have a unique set of conditions which will not necessarily fall within the categories of learning disabilities or mental health, although these conditions may be present.”

It is because the needs arising from autism are distinct and are not being met that a stand-alone CPG on autism is required. Of course, opportunities to work collaboratively with other CPGs would be explored.

It is proposed that the CPG on autism would meet quarterly and each session would be one

and a half to two hours long. The group would discuss up to two topics at each CPG meeting. In the first 12 months, it is proposed that the group would discuss mental health, education, diagnosis and service provision.

**The Convener:** Do members have any questions?

**Alexander Stewart (Mid Scotland and Fife) (Con):** It is very good that you identify that there may well be a crossover between your proposed group and other CPGs, because autism has been seen as a learning disability, but you have made a good case for having a stand-alone group, and I concur with that. Will you give some examples of the joint work that the CPG on autism might choose to do with other CPGs and say how, on the back of that, this group might develop its own platform?

**Graeme Dey:** I think that we are very open minded on that. It would be up to the group to identify areas of co-operation, and I would not want to prejudge what its participants might see as being important. Some fairly obvious things strike me, but I would be guided by what the membership felt. It is absolutely the case that we have seen good examples of parliamentary cross-party groups working together, and I think that it would absolutely be the way forward for this group, if the committee were to approve it.

**Elaine Smith:** Welcome to the committee, Mr Dey. Why are no individuals listed as members in your initial application for the group? You are indeed right to say that there was previously a cross-party group on autism. Coincidentally, I was its convener when it was disbanded; its disbanding was due partly to the parliamentary nature of cross-party groups simply being lost, but I think that, under the new rules in Parliament, that might be less of an issue. Do you intend to have individual members, or are you just going to have MSPs and organisations?

**Graeme Dey:** That is a good question. I am aware of the issues with the previous CPG on autism; as you have said, the rules have changed, but it is also the case that some CPGs have a code of conduct for their operation, and I think that that might be an opportunity that we could consider.

As for your question about individuals, I think, again, that that will be for the group to decide, if it is approved. You are right to say that no individuals have been listed, but we want to reach out to as many people as possible—although I assure you that we will be circumspect in how the group is taken forward.

**Elaine Smith:** All I would say is that meetings of cross-party groups can become confused with public meetings, and their parliamentary nature

can cause some difficulty. That is my reason for asking the question.

**Graeme Dey:** We are acutely aware of that possibility and mindful of how we might address the issue, if, with the committee's approval, we move forward on this.

**Elaine Smith:** Thank you.

**The Convener:** As members have no more questions, I thank Mr Dey for coming along today. We will consider under agenda item 6 whether to approve the cross-party group and we will let you know our decision in due course.

**Graeme Dey:** Thank you very much, convener.

**The Convener:** The second cross-party group application for the committee's consideration is for the proposed cross-party group on life sciences. I welcome to the meeting the group's convener, Kenneth Gibson MSP, and invite him to make an opening statement about its purpose.

**Kenneth Gibson (Cunninghame North) (SNP):** Thank you, convener, and thank you for the invitation to come along this morning.

The life sciences comprise the branches of science that involve the scientific study of living organisms such as micro-organisms, plants, animals and human beings as well as related considerations such as bioethics. The Scottish Government has identified the life sciences industry as a key growth sector of the Scottish economy in recognition of its current contribution to and enormous potential for Scotland. Not only does this cutting-edge science-based industry constantly push the limits of research and application, it makes a significant contribution to Scotland, generating around £2,600 million in gross value added and employing 37,000 people across the country. There was a cross-party group on this subject in the previous session of Parliament, and I have been asked to reconvene it.

The CPG will act as a channel for communications and information between the Scottish Parliament and people within organisations in the life sciences sector in Scotland, including industry, academia, research and manufacturing. It will identify and discuss policy areas of particular relevance to the life sciences sector and support the delivery of the Scottish life sciences strategy as set out by the Scottish industry leadership group on life sciences, and we will work with Scottish parliamentarians to ensure that the skill set required to deliver the Scottish life sciences strategy is acknowledged and met, including positively addressing the challenges facing women with regard to science. Finally, we want to enable the life sciences sector

across Scotland to showcase its world-class work in the Scottish Parliament.

We had an initial meeting on 28 November 2017 with Professor Graeme Roy of the Fraser of Allander institute, who spoke about the 2018 economic impact report on the pharmaceutical sector in Scotland. We elected two deputy conveners and I was elected convener.

We have two proposed meetings. The first is on 27 March, when the theme will be "Life Sciences for all ... let's not miss out on 50% of the workforce!" Dame Anne Glover, president of the Royal Society of Edinburgh, will present her views on barriers and opportunities for women in life sciences. Dr Barbara Blaney of BioCity and the Athena SWAN—scientific women's academic network—initiative will give a presentation on opportunities in life sciences from an industrial and academic perspective. A female apprentice from GSK manufacturing will give a presentation on her motivations to follow science as a career—we have not identified who that individual will be just yet.

On 28 June, we will discuss the life sciences strategy for Scotland 2025 vision. We have invited the Minister for Business, Innovation and Energy and Dr Dave Tudor to showcase success and discuss future challenges in reaching the Scottish vision for life sciences.

That is the situation at the moment. I am happy to take any questions.

**Patrick Harvie (Glasgow) (Green):** Looking at the list of organisations that are proposed as members of the cross-party group, I see that it is quite a long list. A large number of organisations are showing an interest. Some of them I am familiar with and some I am not. What proportion of the organisations are private companies with commercial interests in the subjects that will be discussed as opposed to academic or other organisations that do not fall into that category? Does that aspect raise any issues?

**Kenneth Gibson:** We still have organisations and academics looking to join, but we had around 40 people at the inaugural meeting. There were nine MSPs. The balance at the meeting was about two thirds academic and one third commercial, but there was quite a lot of interaction. They are not two separate groups. Many of the academics work closely with the sector, for example, on the commercial development of new, innovative products.

We had a presentation on a revolutionary new medical crystal that is being developed by the CMAC—continuous manufacturing and advanced crystallisation—consortium at the University of Strathclyde. That will be a world-leading pharmaceutical development if it comes to fruition.

It is very difficult to separate out the groups; there is a tight relationship between the private sector and academia and that will be reflected in the CPG.

**Elaine Smith:** Mr Gibson, you mentioned that there was a CPG on life sciences in the previous parliamentary session. In your application, you mention that there is currently a CPG on science and technology. Was there also a CPG on science and technology in the previous session? Do you know whether both those groups were running at the same time?

**Kenneth Gibson:** I am not aware that there was a CPG on science and technology in the previous session, but that may be because I was involved in other areas. Certainly, I do not believe that there is any crossover in this session.

I understand that there can be a lot of overlap in cross-party groups—I know that that is an issue that this committee has looked at. However, I feel that often, when there is an overlap, it can provide an opportunity for CPGs to work together. For example, in the previous session, the CPG on epilepsy that I convened had a joint session with Malcolm Chisholm's CPG on mental health. Sometimes, even when there is an overlap, it can be synergistic rather than a duplication.

**Elaine Smith:** Looking at the policy areas, I see that one of the main purposes for the CPG seems to be to support the delivery of the Scottish life sciences strategy. Can you explain a bit more about that? Is that the Scottish Government strategy?

**Kenneth Gibson:** The Scottish Government strategy dovetails with the industry strategy. Life sciences are a rapidly growing sector across the world; they are also a sector that involves very close co-operation, as I have mentioned, with the academic sector. It is about trying to ensure that, as the sector develops, Scotland is not only part of that but leads the way in technical innovation. The reason for that is obviously to try to stimulate investment and employment in Scotland.

We heard at the inaugural meeting that 80 per cent of research and development in this industry in the UK is in the south-east of England and London, but that area produces only 40 per cent of the products. Scotland has a much lower level of investment but much higher productivity, and it is more innovative in what it produces. It is trying to capitalise on Scotland's excellent reputation in research and development to attract more of those innovative research and development companies that will invest and create jobs and prosperity in Scotland. That ties in with the Scottish Government strategy to double employment and investment in this industry over the next decade.

10:00

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I met representatives of Scotland's life sciences industry a few days ago and I recognise its importance. You have mentioned that the group would address the challenge of involving women in science. None of the organisations that are listed deals specifically with getting more women into science, representing women in science or encouraging young women to get into science, technology, engineering and mathematics. Would you encourage some of the organisations to get involved in that challenge?

**Kenneth Gibson:** That is a very good question. Ninety per cent of the people at the inaugural meeting were male, which is why our next meeting is on the specific issue that you have raised. Last year, I attended an event at Kilwinning college called #ThisAyrshireGirlCan, at which the First Minister spoke. It was trying to get young women to be interested in science, even at a primary and secondary school level. Young women who work in aircraft manufacturing, pharmaceuticals and even fixing turbines did not just talk about the issues but gave examples to show what they do.

At the next meeting, an apprentice will talk about what she will do. We will make quite clear at the meeting that this industry—or many others—cannot reach their full potential if the female 52 per cent of the population do not play their full role in it. The group has a real interest in redressing the balance to get many more young—and probably older—women into the industry. It is a very productive industry; it pays good wages and has good terms and conditions and I hope that a lot of women would want to work in it. We want our member organisations to take that forward. If the cross-party group is registered, the focus on this issue will be important.

**Alexander Stewart:** How do you see the group contributing to Scotland's 2025 vision?

**Kenneth Gibson:** We will interact very closely with the Scottish Government. For example, the Minister for Business, Innovation and Energy, Paul Wheelhouse, will come to our June meeting. Prior to that, I have asked member organisations to set him a list of questions about their issues and concerns and how we can take them forward successfully. I want the minister to have those questions a week or two beforehand, so that he can answer them on the day. Member organisations and individuals will be able to ask further questions to ensure that everyone is singing from the same hymn sheet and taking the strategy forward together. If there are any issues or glitches in the strategy, the Scottish Government may look again at how to improve



one or two aspects of it. Co-operation and working together will take the industry forward.

10:05

*Meeting suspended.*

**Alexander Stewart:** Will the group challenge the 2025 vision?

**Kenneth Gibson:** Of course the group will be challenging. The group is not there to sit like nodding donkeys and agree with whatever the Scottish Government says. It is interesting that two deputy conveners are Conservative MSPs, and I hope to get people from other parties to take officer positions. That is the situation at the moment. I am pretty sure that the group will challenge the Government, because it is in all our interests to ensure that we have the best-possible strategy and the best-performing life sciences industry.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** A challenge that I have identified for cross-party groups is how to get geographic representation. It takes a long time for people from the Highlands and Islands or the west coast to get to Edinburgh, and therefore they choose not to. We do not have a good videoconferencing set-up. Life sciences are of particular interest in the Highlands and Islands; it is a growing industry there and the region is identified as an area of growth. How do you intend to make sure that all geographic regions are represented on the group?

**Kenneth Gibson:** To be honest, I have not discussed the matter and, in any case, I think that I would have to take it to the group instead of making up an answer off the top of my head. It is important to discuss such issues with colleagues. I have to say that I have never experienced videoconferencing at a cross-party group meeting, but I see no reason why we could not look at the possibility.

As you have pointed out, the life sciences industry goes right across Scotland. For example, GSK is in North Ayrshire—not in my constituency, I should say, but in a neighbouring one—but it also has a very strong footprint in Montrose, and there are lots of bioscience industries in Lothian, Lanarkshire and, indeed, the Highlands. We could certainly consider the suggestion that you have made, and I will certainly take it back to the group and see what it has to say about it.

**The Convener:** I thank Mr Gibson for attending the meeting. We will consider the application at item 6 and contact him in due course.

**Kenneth Gibson:** Thank you, convener. I want to thank committee members, too.

**The Convener:** I suspend briefly for a changeover of witnesses.

10:06

*On resuming—*

## **Sexual Harassment and Inappropriate Conduct**

**The Convener:** Agenda item 5 is an evidence-taking session on the committee's inquiry on sexual harassment and inappropriate conduct. I welcome to the meeting Susan Duffy, head of committees and outreach; Lorna Foreman, head of organisational development; and David McGill, assistant chief executive, Scottish Parliament. I invite Susan Duffy to make an opening statement.

**Susan Duffy (Scottish Parliament):** Thank you, convener, and thank you very much for the invitation to come along this morning.

I will start with a bit of context. It has always been really important to us that the Parliament is a place where people feel safe, valued and respected. Last year, building on what we had already done, we published a diversity and inclusion strategy, as part of which we have set up networks to allow people to discuss issues and barriers that they might face. We have also set up a women in leadership programme and have published a comprehensive gender pay gap report as well as an action plan for reducing that gap. All of those matters are overseen by what we call our diversity and inclusion board, which is co-chaired by David McGill and me. I also point out that the Parliament takes a zero-tolerance approach to harassment, and our dignity at work policy makes that clear.

Given all that, it was really important to us to react swiftly when media reports of sexual harassment first emerged. Our immediate priority was to ensure that anybody suffering from harassment received the advice and support that they needed, so we set up a dedicated confidential helpline to offer information and guidance on how people could report concerns and on ways of getting further support.

The Presiding Officer also convened a meeting with party leaders, because tackling this kind of behaviour requires us to work collectively and to take a unified approach across the Parliament as an institution as well as individual political parties. At that meeting, all the parties reaffirmed the zero-tolerance approach to sexual harassment.

Although the number of reported incidents of harassment has been low over the Parliament's lifetime, it is important to find out whether that reflects the actual scale of the problem or a culture in which people do not feel able to report something. As a result, we issued a confidential anonymous survey to everyone working in and for the Parliament. That survey closes tomorrow, and

the results will be analysed by an independent company that is undertaking the survey on our behalf.

The next steps will largely depend on what the survey tells us, but we are aiming to publish the survey results and an action plan in March. This morning—indeed, we have just come from the meeting—the Scottish Parliamentary Corporate Body agreed to set up a joint working group to take forward any actions arising from the survey, and we envisage that the group will include Parliament officials, representatives from each of the political parties and Emma Ritch from Engender, who has been invaluable to us thus far. We are committed to taking that work forward and ensuring that we have a workplace where people feel safe, valued and respected.

I hope that that gives the committee some context. I am happy to answer questions.

**The Convener:** To set the scene, can you talk us through the process of a hypothetical investigation? What would happen if someone came to you with a complaint?

**Susan Duffy:** As you can probably imagine, the processes in the Scottish Parliament are quite complex, because we have a number of different employers in the building, so there are several different routes for people to take complaints. Lorna Foreman can talk in more detail about some of the ways in which we would handle complaints.

**Lorna Foreman (Scottish Parliament):** If there is a complaint by a member of staff about their employing member, under the contract of employment, that would be raised with the employing member, because that is the route to take under employment law. However, in those circumstances, if the member of staff was raising issues of sexual harassment, for example, the human resources function would be involved and would advise the member to appoint an independent third party to carry out the investigation and deal with the complaint. That is what we have done in the past in those circumstances.

**The Convener:** Just to be clear, if a member of staff complained about an MSP sexually harassing them or harassing them in any other way, are you saying that they would contact HR and HR would advise the member? I am not clear on the detail.

**Lorna Foreman:** Members of staff are employed in different ways. Some have individual employment relationships but others can be employed by two or more members. For staff members who have an individual employment relationship and who experience a form of sexual harassment, under the contract of employment—as with any employer—they would raise the issue with their employing member. In the past, when

members of staff have come to us informally and told us about such a situation, we have encouraged them to raise a complaint under their contract of employment. However, where they feel that they are unable to do so, we would seek their agreement to raise the matter with their employing member on their behalf. In those circumstances, we would advise the employing member to appoint an independent third party to investigate and resolve the complaint on the grounds that the member would be too close to it and it would not be an impartial process.

**Susan Duffy:** It is important to note that what Lorna Foreman described is separate from the code of conduct, because of the contractual employment relationship. If someone had a complaint against an MSP and they were not a member of that MSP's staff—if they were a Parliament staff member or a staff member of another MSP—it would be dealt with through the code of conduct. The only reason that the circumstances that Lorna Foreman describes are not covered under the code of conduct is because the code cannot trump employment legislation, which is where the contractual employment relationship comes in.

**Lorna Foreman:** Would you like me to describe how it would be dealt with in a practical sense?

**The Convener:** That would be very helpful.

**Lorna Foreman:** If the complaint was from someone who was employed by a member and they were complaining about another member, it would be dealt with under the code of conduct. In that situation, they would raise their complaint with their employing member, who would seek advice about dealing with it under the code of conduct. As it stands, under the code, the issue would be raised with the business manager of the party of the alleged perpetrator. The HR function can also get involved in that situation. Under the code of conduct, we would look at conciliation as a first position. However, if the person did not want to do that, or if it was inappropriate given the circumstances, the HR function would investigate the matter, which would then come to this committee to consider.

**The Convener:** Would there be a different process if the person making the allegation was an employee of the Scottish Parliament?

10:15

**Lorna Foreman:** Yes, that is a different process. The HR function would again investigate, because we investigate all matters relating to complaints that are raised by our staff. That would then go to the corporate body to deal with rather than this committee.

**Patrick Harvie:** Good morning, everybody. Susan Duffy rightly said that having a proper response to the issue requires a range of actors within the Parliament's organisation to take an interest. You have talked about the actions of the Presiding Officer, the corporate body, HR and political parties. This committee's remit is around members' conduct, so we have to come to the issue from that angle.

Can you say a little more about the different permutations of who might be raising a complaint against whom or about whom, thinking not just about members' staff and parliamentary staff, but perhaps about members of the public, contractors and other organisations that take part in the work of the Parliament? In terms of this committee's take on the issue, I am not clear about to what extent a member's involvement in that range of possible situations engages the code of conduct, as opposed to it being exclusively dealt with by parliamentary bodies other than this committee.

**David McGill (Scottish Parliament):** As you are aware, the code of conduct allows for anyone to make a complaint about the conduct of members. The vast majority of complaints from the categories that you have mentioned—members of the public, contractors and so on—would go straight to the Commissioner for Ethical Standards in Public Life in Scotland, who would decide whether a complaint then had to go through the four-stage process that is set out in the code of conduct and in legislation.

There are exceptions. Those involve conduct in committees, which is a matter for the relevant committee convener; conduct in the chamber, which is a matter for the Presiding Officer; and general conduct, which is where we come into the picture. That is the part of the code that comes into play when members' staff and the staff of the Parliament raise complaints.

There are various different routes and it is quite a complex process, but the three main categories of complaints are those that go to the commissioner, those that are dealt with within Parliament and those that are a direct result of parliamentary business.

**Patrick Harvie:** If, for example, an MSP's member of staff was to make a complaint to their employer, the MSP, about something that they had experienced in relation to the behaviour of somebody else—perhaps a contractor or member of the public who was taking part in a meeting or in the business of the Parliament—to what extent would HR or the Parliament's bodies have a role? Would that purely be a matter for the code of conduct, in terms of how the employer handles the situation and supports their member of staff in resolving the complaint?

**David McGill:** Sorry, but do you mean a complaint about the conduct of a member?

**Patrick Harvie:** No, I mean a complaint about someone who is not employed by a member, so anybody else who is quite legitimately part of the work of the Parliament. For example, it might be somebody attending a meeting or someone from a media organisation.

**David McGill:** A complaint about the conduct of a member would go straight to the commissioner and it would be for the commissioner to decide whether the complaint was relevant under the code and should be taken forward.

**Patrick Harvie:** Sorry—maybe I am not being clear. There are a complex range of situations. If a member receives a complaint from their member of staff about the behaviour of somebody else, who is not a member, is it purely the HR function that would resolve that kind of complaint, or is the member accountable for the way in which they handle the complaint? Is that a matter for the code of conduct?

**David McGill:** Yes, that would be a subsequent complaint. That would come after the handling of the initial complaint, which would not be a matter for the code of conduct. If there was any complaint about how the member had supported the person who was making the complaint, in my view that would be a legitimate complaint under the code.

**Patrick Harvie:** Is there a case for having a single front door—a single point of contact—for all this, rather than that quite complex landscape? If we are all finding it a little bit daunting to find our way through it, I suspect that somebody with less involvement with the Parliament might also not be clear on how to raise an issue.

**Susan Duffy:** That was the thinking behind setting up the helpline. The helpline in itself was not intended to be a mechanism whereby people could make reports. Recognising how complex the landscape is, we set up the helpline so that, if someone had an issue, we could guide them to the most appropriate process for them to use.

It is quite legitimate to look at the complexity of the landscape in all the work that we are doing. There are legitimate reasons for it, as there are a number of different relationships in the Parliament, but it is incumbent on us to look at how we can simplify it. Ultimately, our goal is to ensure that, if anyone feels that they have been harassed, we make it as painless and easy as possible for them to report it and to be supported in that process.

**Alexander Stewart:** I want to talk a little bit about the survey that has been undertaken. How will the results of the survey be analysed? You talked about the results being available in March. Will they be made public?

**Susan Duffy:** Yes. We are committed to making the results of the survey public. We want to publish not just the analysis of the survey results, but the action plan that we develop. That is part of the reason for setting up the working group; we want to begin that process.

On how the results will be analysed, we took the decision when we first set up the survey that we wanted to give people confidence that it would be confidential, so we engaged a third-party organisation called Progressive, which is very experienced in the area of surveys, to undertake and administer the survey for us. It receives all the raw data—we do not see it—and it will analyse the results on our behalf. It will send a report to us, which will be for the corporate body to consider, but it has always been our intention to publish the results. We will try to publish those results in March.

**Alexander Stewart:** If, in the survey, a respondent identifies an individual, what action will be taken in reference to that, given the confidential nature of the process?

**Susan Duffy:** We designed the questions to try to ensure that people did not identify any individuals. We wanted the survey to be a means of gathering views on the culture in the Parliament, rather than being an anonymous mechanism to make a complaint. At certain points in the survey, we put in warnings so that people would not identify individuals. However, if any individuals are identified, Progressive will not take that into account when analysing the data and that information will be destroyed.

**The Convener:** Last week, MSPs and others received an email saying that there had been “a very good response” to the survey—I think that that was the expression that was used—but that a decision had been taken to extend the deadline to complete the survey by a further week. Can you share with us what “very good” means in percentage terms and, if the return was good, what the rationale was for extending the deadline?

**Susan Duffy:** When we set the deadline, we thought that the end of the first week back seemed to be a good point to choose. However, because people were just back from the Christmas and new year break, we wanted to extend the deadline to ensure that people had sufficient time to fill in the survey so we decided to add another week.

We only have an interim response rate at the moment because the survey does not close until tomorrow, but we are nudging over the 60 per cent mark. We have spoken to Progressive to benchmark that. Normally, a return rate of about 50 to 70 per cent for employee surveys is considered to be pretty good. As ours is not just

an employee survey, Progressive thinks that what we have at the moment is a good return rate.

**Jamie Halcro Johnston:** On that point, do you have a breakdown that will show the proportion of MSPs, MSP staff and other staff who have responded to the survey? Will that be published and can you give us an idea of which groups have responded in better numbers than others?

**Susan Duffy:** When we publish the results, that breakdown will be published. It will correspond with the question in the survey in which people were asked to confirm whether they were Parliament staff, members or members' staff. The information will not be broken down any further than that, to ensure that we have no issues with confidentiality.

We have an interim breakdown, but I should point out that although it is very easy to get a breakdown of the online survey returns, we have also issued a number of surveys in hard copy to people who, for whatever reason, do not have access to a computer, so the current information only provides an indication. However, so far, we have had extremely high response rates from SPCB staff and members' staff, and we have had a very good response from members.

**Jamie Halcro Johnston:** I do not want in any way to prejudge the findings of the survey, but what action is being considered in the event that the survey reveals that there have been high levels of sexual harassment in the Parliament?

**Susan Duffy:** We are already looking at things such as our dignity at work policy. Albeit that that policy applies to how we deal with issues with SPCB staff, it is referenced in the code of conduct, so members are, in effect, asked to abide by the spirit of it. We plan to identify whether we need to do anything to revise our dignity at work policy. We have looked at it regularly. We established the policy in 2004 and, if my memory serves me correctly, we revised it in 2008 and 2011.

We are also looking at training. If we want to bring about a culture shift, we can do whatever we want with regard to processes and procedures—it is important that we continue to work on our processes and procedures—but we must consider providing training for everyone in the building, so that people have an understanding of the impact that certain behaviours might have on others and of what constitutes harassment. The survey asked about sexist behaviour, and we also want to look at that.

Although we will be guided by what comes out of the survey, we are already thinking about actions that will need to be taken.

**Jamie Halcro Johnston:** To an extent, you have mentioned this but, historically, how often have reviews of procedures been undertaken?

**Lorna Foreman:** We review our procedures all the time. We want to abide by best practice, Advisory, Conciliation and Arbitration Service codes and changes in legislation. Our current procedures are compliant with all of those. We constantly look to see what we can learn from new policies that are published.

**Elaine Smith:** Thank you for joining us. I suppose that you will not be able to answer this properly until you look at the answers that you get back, but based on the phone line activity and the feedback sessions, do you think that the current reporting and investigation systems have been adequate to deal with instances of sexual harassment? Have staff felt confident in engaging with them?

**Susan Duffy:** It is difficult to prejudge the results of the survey. That was one of the reasons for including a question on those systems in the survey. As we have discussed, there are complexities around the reporting system, so people might not have felt sure about where to go or what to do.

Although the reported instances of sexual harassment have been relatively low, we are acutely aware that that might be because people have not felt that they could report such instances, for whatever reason. Therefore, it was extremely important to us that we tried to capture that in the survey. We also included in the survey a free-text box in which people could comment on anything else that they thought we should be doing. We want to find out from people who have gone through the process how they feel about it.

The survey is our means of mass engagement, but we will also engage with our staff and others on a more informal basis, in an effort to put a bit more flesh on the bones.

**Elaine Smith:** Do you think that the publicity around the issue and the survey will be helpful in focusing minds on what is and is not appropriate, and that it might help people to think about changing behaviour that they might not have considered to be inappropriate in the first place? Is that a possible outcome?

**Susan Duffy:** I think so and I really hope so. It is positive that we are shining a light on the matter and trying to do something about it. From my experience in the Parliament, I know that people are actively discussing the issue and thinking about how their behaviour impacts on other people. It is very encouraging to me that it is the subject of a lot of discussion and I really hope that that will continue.

10:30

**David McGill:** The dignity at work policy covers instances in which people might not consider that their behaviour has a detrimental impact. The policy makes it clear that the main thing is not the intent but the impact. It is very much focused on the person who experiences the behaviour. However, there is a job for us to do to raise awareness of that.

We have reviewed the policy in the past but not for a number of years and we anticipate that one of the things that the survey will show up is that people are not as aware of it as we would like them to be. Therefore, there is an exercise to be done to ensure that individuals take responsibility for that and that line managers promote awareness of the policy.

**Elaine Smith:** Although the committee is examining sexual harassment specifically, we have spent some time talking about: the dignity at work policy; the diversity and inclusion strategy; staff feeling safe, valued and respected; and zero tolerance towards harassment. Are there wider lessons to learn? Those points would cover all equalities strands. Sexual harassment is on a spectrum that includes serious violence against women. On religious beliefs, there is a rise in the persecution of Christians around the world, for example, but part of that spectrum might simply be discrimination at a lower level—for example, the Government's statistics last year showed a rise in hate crimes against Catholics. Are there lessons to be learned about how people respect and value other issues, such as Christian or other religious beliefs?

**Susan Duffy:** Absolutely. What underpins the diversity and inclusion strategy that we set out is that it covers all the protected characteristics and more. In essence, in that strategy, we say that we want people to feel valued and to be able to succeed whoever they are and wherever they come from. It covers the whole spectrum.

I talked about the work that we did on setting up a women in leadership programme. The idea was always that we would use that programme as a template for similar work in relation to all forms of discrimination. That is why we have also set up a number of networks, not just a women's network but a lesbian, gay, bisexual, transgender and intersex network and a carers network—I will not mention them all because I will forget one and get into trouble for that. That is the reason why we did that.

**David McGill:** The diversity and inclusion strategy is partly a response to our public sector duty under the Equality Act 2010 to eliminate discrimination. The three main aims in that policy are to diversify the Parliament's workforce, to

create an inclusive working environment and to have in place services that are accessible for the people with whom we engage. All that work is going on alongside the work that we are doing specifically on sexual harassment.

The other relevant thing that we are working on is the recommendations that came from the commission on parliamentary reform. There is a range of recommendations specifically on diversity and the board that Susan Duffy mentioned has that work programme to factor in to everything else that we are doing.

**The Convener:** What activity has there been on the phone line and do you feel that it is fulfilling its purpose?

**Lorna Foreman:** We have had nine calls since November. It is important to note that the phone line is only one route through which people can seek advice. We know that people are seeking advice from parties, which have their own arrangements in place, and that a number of issues are being dealt with in that way. As I said, it is only one route for people to get clarification on the procedure that applies to their situation.

As for whether the line is fulfilling its purpose, it is one of many ways in which people can seek advice and make a complaint, and it supplements the existing employee assistance programme, under which people can contact an independent third party for advice on harassment or other matters. People can also go through their parties or through their line management or employer. However, we will have to review the current arrangements to ensure that people are not facing any barriers to accessing this support, and we might look to have external support in that respect.

**The Convener:** When the phone line was launched, some concern was expressed about the limited hours of its operation and that some staff in the building might find it difficult to contact it privately during those hours, as they are essentially working hours. Have the operating hours changed, or has any consideration been given to altering them?

**Lorna Foreman:** As you said, the phone line operates from 9 to 5, but we have made it clear to people that, if they need support, they can phone another helpline that is available 24 hours a day, 365 days a year.

It is important to note that there have not been that many calls to the employee assistance helpline. We have those provisions in place, but people are taking other routes such as going to their parties or raising matters with their employer. It is only one indication of the activity that is going on in the Parliament.

**Susan Duffy:** As Lorna Foreman said, we moved very quickly to set the helpline up, but the intention was always to look at how it was operating and whether we could make improvements based on the experience that we had.

**The Convener:** Who operates the second helpline that you mentioned?

**Lorna Foreman:** It is operated by one of our contractors through our employee assistance programme. It is also a counselling service and people can phone it up to get advice on matters affecting their employment as well as other quite general matters. If they feel that they need to talk through their experiences in order to build their confidence, they can get face-to-face counselling with one of our providers to enable them to take the steps that they want to take if they want to report something.

**The Convener:** Was the other helpline already available?

**Lorna Foreman:** Yes. It has been available for 10-plus years now.

**The Convener:** You talked about having one point of access and one point of information, but, given that a helpline was already available, are we not confusing the issue by now having two?

**Lorna Foreman:** The advice line provided under the employee assistance programme is a general one for people who might be experiencing employment issues such as discrimination, harassment or bullying. Advice will be given in general terms to support the person and give them a safe place to express how they are feeling and build their confidence with regard to the action that they want to take.

The main purpose of the new helpline is purely to help people navigate around our procedures. When we came to respond to the issue, we looked at our procedures and were surprised by their complexity, with various routes for contractors, members' staff and our own Parliament staff. As a result, we wanted to have trained staff who could give that specific information to people but, because we had to act quickly, we could not get our contractors to take on that responsibility. After all, they needed time to build up their knowledge of our very complex procedures. We will look to extend the 24-hour helpline through an independent provider and build their knowledge of our procedures.

**The Convener:** Given that Parliament and HR has looked at the issue anew and realised how complex the landscape is for someone trying to navigate their way through it depending on who employs them and who they feel has been

harassing them, is it time that we had a much less complex system for people to work in?

**Lorna Foreman:** Absolutely, yes.

**Susan Duffy:** Yes.

**David McGill:** Yes.

**Kate Forbes:** I return to the code of conduct and the process of investigating a complaint through it. After a complaint has been dealt with and sanctions have been imposed, do you monitor whether the individual who has been sanctioned is carrying out the penalty, as it were? In what ways do you support the person who has complained after the complaint process has come to an end?

**David McGill:** If members are sanctioned, we do not have any formal procedure under the code of conduct for monitoring the impact of the sanction. We may informally keep in touch with the relevant business manager who has been involved in the process to see how matters have—we would hope—changed since the sanction was imposed, but we do not have a formal procedure for doing that.

Complaints that are dealt with through our HR system are matters for the relevant line manager, office head or group head—whoever is the senior person in the line. It would be part of their ongoing responsibilities to monitor behaviour to see whether the issue has been properly addressed for the longer term and not just for the incident that led to the complaint.

**Lorna Foreman:** In the past, in order to help a person who wants support to modify their behaviour, we have offered people the opportunity to get one-to-one coaching or counselling.

On the support for individuals who have raised complaints, again, there is an opportunity for that person to go through counselling. They may also consider that they want the skills and the confidence to be able to raise matters themselves, because the best way to address issues is to be timely in nipping things in the bud.

We look at the lessons learned and think about how we can all contribute to improving relationships.

**Kate Forbes:** How is someone who has made a complaint supported through the process? I imagine that a person in that position must feel very isolated.

**Lorna Foreman:** At the moment, there is a bit of a Chinese wall in relation to our set-up. If HR receives a complaint, we ensure that the alleged perpetrator also gets support from HR colleagues. Particularly when situations are very heightened—as they are now—going through the complaints process can be a very isolating experience, so we want to ensure that everyone is supported through

it. We also encourage people to contact the employee assistance programme to get counselling support.

**Kate Forbes:** The code of conduct states:

“In all cases, opportunities for conciliation will be pursued in the first instance.”

What does that mean?

**Lorna Foreman:** It depends on the circumstances and on the individuals. We must remember that one size does not fit all. Conciliation could include the involvement of HR, or HR appointing an external mediator to be involved in the process, as we have done in the past to try to resolve issues.

As I say, it depends on the circumstances and what the person wants to do. You have to go into conciliation meetings in good faith; you have to be committed to resolving matters. If the two parties are not committed to doing that, there is no point in progressing that course of action. If that is the case, we would look at the formal procedure.

**Susan Duffy:** We say in the code of conduct that conciliation will be pursued in the first instance in all cases. In our discussions about how we can best deal with the issues, we will have to look at whether that is appropriate in cases of sexual harassment.

10:45

**Kate Forbes:** You mentioned that you regularly review the procedures. Was it the publicity that bounced you into the current review or would it have happened anyway?

**Lorna Foreman:** The procedures for members' staff were reviewed just before the most recent election, and work was planned on the dignity at work policy. We formed the dignity at work board last year, and part of its work programme was to review the dignity at work arrangements. We wanted to ensure that those arrangements go beyond the protected characteristics and that all of us can work in an environment in which we can contribute and flourish in our roles. That was the intention. The review goes beyond compliance with the legal requirements; we want to enable a culture in which we can all contribute.

**David McGill:** It is probably fair to say that, under the dignity at work strategy, which runs until the end of the current parliamentary session, we were looking across the piece at diversity and inclusion. Some of the issues that Elaine Smith raised earlier were already on our radar, but it is fair to say that the recent publicity has meant that there has been a specific focus on sexual harassment in particular, which we did not anticipate when we set out on the current review.

**Patrick Harvie:** Your evidence has been really helpful in explaining how things operate under the current rules. One of the things that the committee will have to consider is whether changes should be made to the code of conduct. I do not know whether you feel comfortable, as Parliament officials, expressing a clear view about changes that might be necessary, but are there any areas of the code that you want to draw to our attention in which changes should be considered?

**David McGill:** We have touched on quite a few. Susan Duffy mentioned the issue of the code obliging there to be conciliation in all cases. We sometimes find ourselves looking for ways round that, because we have situations in which that is not entirely appropriate and is not what the person who has experienced the behaviour needs.

There are other areas in which we have some difficulty. Susan Duffy mentioned the interplay between the code and the dignity at work policy. The code obliges members to abide by all corporate body policies, but the dignity at work policy specifically says that it does not apply to members, so there is a contradiction there. We get round that by saying that the corporate body's position is that members are obliged to abide by the spirit of the dignity at work policy. What that means is not explained anywhere in the dignity at work policy or the code.

We have touched on the fact that the code does not deal with complaints by members' staff against the employing member. The code is silent on that. There are very good reasons for that, but perhaps the code could be more explicit on that.

Another area of concern is the fact that the guidance that supports the code refers to complaints normally being raised within one year. That is not an automatic barrier. There are ways in which complaints that are made outwith that timescale can be dealt with. We know from experience that many of the issues that we are discussing today can incubate for years and even decades before people feel confident enough to raise them, and what the guidance on the code says might present another barrier. We can explain that complaints can still be made more than a year after the events to which they relate, but people might wonder what they have to do for their complaint to be taken on board.

Lorna Foreman has hinted at some of the conflicts of interest that might arise in the HR office in supporting people who make complaints and people who are the subject of complaints. The HR office has to go to great lengths to make sure that it provides direct support.

Those are examples of issues that we struggle with in managing matters to do with the code of conduct. Even the terminology that is used for this



category of complaints in the Scottish Parliamentary Standards Commissioner Act 2002—it refers to “excluded complaints”—sends a mixed message. Addressing that would require a statutory change. When someone who is building up the courage to lodge a complaint sees mention of “excluded complaints”, that is bound to create a bit of confusion. Perhaps the committee could consider that, too.

**Patrick Harvie:** Thank you very much.

**The Convener:** I have had no indication that members have any further questions, so I thank the panel for coming along. The committee has found your evidence extremely helpful.

10:49

*Meeting suspended.*

10:51

*On resuming—*

## **Cross-party Groups**

**The Convener:** Item 6 is for the committee to consider whether to accord recognition to the proposed cross-party groups on autism and life sciences. I invite members to comment. Let us start with the proposed CPG on autism.

**Elaine Smith:** I have long felt that it is remiss of the Parliament not to have such a CPG.

It is important to focus on what CPGs are about: they are parliamentary in nature, rather than being public meetings. I certainly support the application.

**Kate Forbes:** Similarly, I think that there is a need in Parliament for a CPG that is focused on this issue.

Graeme Dey is the convener of the other committee that I sit on and he does things well. He gives it his all, so I would hope that he would recognise Elaine Smith’s point and ensure that the meetings are not just public meetings.

**The Convener:** Is the committee content to support the CPG on autism?

**Members** *indicated agreement.*

**The Convener:** Does anyone have any comments on the life sciences CPG?

**Elaine Smith:** It is interesting that it is not appropriate for the topic to come under the remit of the existing group on science and technology. I am asking the question because I thought that the life sciences CPG might have existed in the previous parliamentary session because there was not a group on science and technology. I was trying to get to the bottom of that.

I take the point that groups can work together, cross-reference each other and have meetings together. That is a legitimate point for Kenneth Gibson to have made.

I am particularly interested to know what exactly the purpose of the group is. The registration form says that it is

“to support the delivery of the Scottish Life Sciences Strategy”.

Some of my and Alexander Stewart’s questioning was to get to the bottom of whether the group’s purpose would be to support the strategy or perhaps to scrutinise it and seek to make it better as it goes along. That was my only slight reservation, but Kenneth Gibson answered that point.

Patrick Harvie raised the issue of the organisations that make up the CPG. They seem

to be very industry-focused, but Kenneth Gibson said that they were trying to widen that scope.

With those issues having been aired on the record, I support the setting up of the CPG.

**Alexander Stewart:** As I indicated, the issue needs to be challenged, and that is what is going to happen during this process. We can all sign up to the philosophy behind it, but the CPG needs to be very focused on what it is trying to achieve. Mr Gibson indicated that that would be the case, and I look forward to going along to some of the meetings to see what happens and how the group develops. The group could become quite focused, but it could also be quite broad. It needs to be focused or it will lose sight of its objectives.

**Kate Forbes:** That goes to the heart of having CPGs. Do we go broad and have fewer, or go in-depth and have far more? I think that there are far too many, but, at the same time, if we want to look at life sciences properly, we cannot do it within the science and technology CPG. I would be more reluctant to support the life sciences group, because there could be a spin-off from the group on science and technology, especially if the purpose of the group is just to have events.

**Patrick Harvie:** I am happy to support the creation of the group. I do not think that this applies to this group, but I have made the point before that with a CPG that has a limited range of external members or membership that is entirely composed of organisations that have vested commercial interests, there is a danger that it can tip over into lobbying rather than be a genuine cross-party group.

As I say, I do not think that that is of great concern in relation to the proposed life sciences CPG, because it contains a range of academic and other interests. However, we might review that in the future.

**Jamie Halcro Johnston:** I just want to repeat the point about making sure that there is proper representation, especially to encourage women to get into life sciences, as that is one of the stated aims of the CPG. I also echo Kate Forbes's point on regional representation. That is important.

I support the group.

**The Convener:** Is the committee content to approve the cross-party group on life sciences?

**Members indicated agreement.**

**The Convener:** Both MSPs will be informed formally by the clerks later today.

As previously agreed, we now move into private session.

10:57

*Meeting continued in private until 11:32.*

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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