



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 1 February 2018

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Thursday 1 February 2018

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
2nd 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:

Cheryl Gedling (Public and Commercial Services Union)

Katy Mathieson (Scottish Women's Rights Centre)

Ivan McKee (Glasgow Provan) (SNP)

Davy Thompson (White Ribbon Scotland)

Emma Trottier (Engender)

CLERK TO THE COMMITTEE

Joanna Hardy

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 1 February 2018

[The Convener opened the meeting at 09:30]

Cross-party Group

The Convener (Clare Haughey): Good morning. I welcome members to the second meeting in 2018 of the Standards, Procedures and Public Appointments Committee.

Agenda item 1 is the taking of evidence on one proposed cross-party group: the proposed cross-party group on shared parenting. I welcome to the meeting Ivan McKee MSP, who is the co-convener of the proposed group, and invite him to make an opening statement about the purpose of the group.

Ivan McKee (Glasgow Provan) (SNP): Thank you very much for inviting me to talk to you.

The intent is to set up a cross-party group on shared parenting. There are two main areas that we want to cover, the first of which is to do with gender stereotyping, which pervades society and has many manifestations. In the area of parenting, assumptions are made that we think are not helpful and which are part of the wider gender stereotyping that we see across society. If we understand the issue a bit better, that will put us in a better position to make some progress on that part of the agenda.

The second area that we want to cover is the existence of academic research that shows that children who spend time with both parents post-separation or post-divorce have better life chances. We see the work of the group feeding into the closing the attainment gap agenda and think that it can make a positive contribution in that regard. Children seeing both parents after separation also helps to challenge gender stereotypes at a very impressionable age, so we think that it is positive from that point of view, too.

The group has held an initial meeting, and I have been very encouraged and surprised by the amount of interest that has been shown in its work by organisations and individuals. Members will see from the documentation that we have cross-party participation in the group, and a dozen or so organisations expressed an interest in its work or managed to get along to the first meeting.

We would like the committee to approve the group so that we can move forward. Our work programme will involve exploring research in the

area. We intend to invite speakers to address the group. Some Scandinavian countries and US states are much further advanced in the area than Scotland is, and we would like to learn from their experiences. International speakers could make a great contribution in that respect. We are open to suggestions about other external groups that anybody thinks should participate in the CPG, because we want to involve as many people as possible in it.

The Convener: Thank you, Ivan. I invite members to ask questions.

Alexander Stewart (Mid Scotland and Fife) (Con): There is a great cross-section of support for the group, from organisations as well as individuals. Do you intend to look at individual topics and home in on some of the research that you mentioned has been done in other parts of the world?

Ivan McKee: Yes, for sure. We have given an indication of what we would want to look at. We would like to bring in people who have experience at a senior level in the legal system. We could also explore the research in more detail and bring in academics who have done work in the area, as well as people who have experience that we could learn from of how shared parenting operates in other countries.

Elaine Smith (Central Scotland) (Lab): Good morning, Ivan. I have read your application. You say that, as well as talking to young people who have experienced shared parenting, the group will

"consider shared parenting situations where there isn't conflict as role models of best practice".

Do you envisage that you will also consider the experience of young people in situations in which there has been conflict?

Ivan McKee: Yes. The reference to situations in which there has not been any conflict was included because an assumption is sometimes made in discussions about the area that it is situations in which there has been conflict that will be looked at, and members of the group felt that it was important for us to look at outcomes in the round. In many cases, there is no conflict, and those cases often have a low profile.

However, we are keen to talk to and engage with groups that have experience of situations in which there has been conflict. Prior to the setting up of the group, I met Scottish Women's Aid to find out its perspective on it. Scottish Women's Aid does not want to join the group at this stage, but I had a very constructive and fruitful discussion about its perspective on the high number of cases in which, unfortunately, there is not just conflict but domestic abuse.

Elaine Smith: Do you think that members of the proposed group, such as the Spark, would assist with that?

Ivan McKee: Absolutely. As I said, we are open to inviting other organisations to join. We had a discussion about who else should be included. The committee will hear from Engender later. It is one of the organisations that we plan to approach to find out whether it would be interested in joining the group. We think that Engender's perspective on gender stereotyping could be very helpful. We want to have as broad a perspective as possible.

Elaine Smith: You talk about gender stereotyping and the roles of mothers and fathers, but in society today we have different family situations. I am thinking of same-sex parents, for example. You specifically mention mothers and fathers, but would you also include—

Ivan McKee: That is a very good point, which I will take back to the group. We would be more than delighted to hear from such parents. That was not raised at the initial meeting, but we should include same-sex parents. I am sure that the group would want to have a session specifically on same-sex couples and the situation post-separation.

The Convener: As members have no further questions, I thank you for coming along. The committee will consider whether to approve the application under agenda item 3, and we will inform you of the outcome of that discussion.

Ivan McKee: Thank you very much.

The Convener: I suspend the meeting briefly to allow for a changeover of witnesses.

09:36

Meeting suspended.

09:38

On resuming—

Sexual Harassment and Inappropriate Conduct

The Convener: Our next agenda item is an evidence session on the committee's inquiry into sexual harassment and inappropriate conduct. We are joined by Cheryl Gedling, industrial officer at the Public and Commercial Services Union; Katy Mathieson, co-ordinator at the Scottish Women's Rights Centre; Davy Thompson, campaign director at White Ribbon Scotland; and Emma Trottier, policy and parliamentary manager for Engender.

I will not ask any of you to make an opening statement. If it is all right with the panel, we will move straight to questions. What are the common barriers that discourage people who experience sexual harassment from coming forward to report it? What about those who witness harassment taking place?

Emma Trottier (Engender): I will highlight the barriers that we identified in our submission. One of them is the fact that the existing procedures and policies are spread across multiple documents. When I was trying to sort out what the procedure was for reporting, investigating and sanctioning sexual harassment or inappropriate behaviour, I struggled with where to find that information. Once I had found it, it was still not clear to me where, or to whom, I was supposed to report it. It seemed very dependent on who the perpetrator was, and where the action occurred, so it was very confusing to me to sort out what I would need to do if I was sexually harassed.

Another barrier is the lack of clarity around confidentiality and how personal information is protected during reporting and in the investigation. Another barrier is that it is not clear what the sanctions would be for the perpetrator of sexual harassment. Not knowing what the penalty will be, and not having the assurance that there will be a penalty, can be a disincentive for individuals to report that kind of behaviour. Those are a few of the barriers.

Davy Thompson (White Ribbon Scotland): I acknowledge everything that has already been said. As Emma Trottier said, it is quite difficult to work out what people should do. To a degree, that is understandable because of the number of possible variations. Either the person who is reporting that they have been harassed or the perpetrator may be someone who works for an MSP, someone who works elsewhere in the Parliament, someone who is visiting or someone who is a contractor. That makes it look very complicated to work out what should be done and when.

The answer is that the difficult bit should be in organising how reports are dealt with, rather than where someone who wants to report fits in. It should be quite straightforward for someone to find a document that clearly sets out their position, whether they are visiting the Parliament and feel that they have been harassed, or working for an MSP and feel that they have been harassed by someone else in the Parliament or by their employer or whoever. The person who is reporting an incident needs to be able to clearly identify their position and the procedures need to clearly state whether what that person is feeling uncomfortable about is seen as harassment, so that they feel that they can report it.

The person needs to be confident that there is clarity about how the report will be carried out, particularly at the first step, when asking who they should go to. That needs to be abundantly clear and it should be clear, regardless of which of the categories we have talked about the person fits into. It should be reasonably clear who the person should report to.

It might even be the case that it would be good for there to be someone in the Parliament who is independent of the various different organisations that work in the Parliament building to act as an adviser. Somebody could go to that person and say, "I have got a concern and I am thinking of reporting it." In the first instance, they would be able to discuss the matter with someone who is not aligned to any particular part of the organisation. That could help to simplify things for people. If someone decides that they want to report an incident, they need to be confident about what will happen next. No one is going to enter into a system if they do not understand what the next step will be. As Emma Trottier said with regard to anonymity, the person needs to know who will know about the report, how many people will be involved, and who they are, so that the person can be informed when they make their decision.

The guidance that will eventually come out needs to be clear about the penalties for anybody who interferes with a report or tries to influence a person into not taking a report any further, for example by bullying them or explaining to them in strong terms that continuing with the report will be bad for them as well as the person who has carried out the activity. That kind of behaviour has to be clearly unacceptable.

Katy Mathieson (Scottish Women's Rights Centre): There are barriers even before someone comes forward to make a report. There are often barriers in workplaces and in different cultures. People will often be very concerned about speaking about something such as sexual harassment. Sexual harassment covers a range of

behaviours from inappropriate comments to sexual assault and rape, so it is a huge term. We know that it is difficult for survivors of any kind of sexual violence to come forward and make that disclosure.

09:45

There are procedural issues, but there are barriers before that. We need to create cultures and workplaces where people feel that sexual harassment such as inappropriate comments and behaviour are not tolerated. The first step is looking at that, and creating a culture in which people feel comfortable. If that kind of culture existed, that would lend itself to people feeling comfortable about coming forward and believing that they would be taken seriously. Those barriers exist before we consider procedural things.

Cheryl Gedling (Public and Commercial Services Union): I will quote from Trades Union Congress research that was done in late 2016. As we just tip into 2018, it feels very relevant. Just under a third of the women who participated in the TUC research, which resulted in the report "Still just a bit of banter?", said that they did not report sexual harassment because they thought that it would have "a negative impact" on their careers and working relationships. Almost a quarter of women

"did not think they would be believed".

One in five said that they were "too embarrassed" to report it. That is an important point, because it is a very embarrassing and disempowering thing for women to experience in the workplace. Fifteen per cent of women feared that reporting harassment would have a

"negative impact on their career".

Twelve per cent of women said that they did not report it because they did not know how to, which touches on what colleagues have said about the clarity of the procedures. Very worryingly, around 10 per cent said that they were "unaware" that they could report it at all. The procedures are very important, but so is the culture. I know that the committee is trying to get to the heart of that with the process that it is undertaking.

There is a unique working culture in Parliament. There is very close working between politicians, staff and MSP aides, which adds sensitivities to people's ability to report behaviour that they have experienced themselves or behaviour that they have witnessed as a bystander. Concerns about their career and reputational damage are particularly important in the Parliament as well. The long-hours working culture, which regularly involves evening and weekend working, is also an issue. In addition to the reasons that I have outlined from the TUC research, there are

particular reasons within the Scottish Parliament that might explain why this kind of behaviour might not be reported.

The Convener: Was the TUC research only on women?

Cheryl Gedling: Yes.

The Convener: Davy Thompson suggested having an independent person outwith the parliamentary structure to whom someone could report their concerns. Would you want trade unions to have a role in that?

Cheryl Gedling: That is crucial. One of the incredibly depressing things about the research is that only 1 per cent of women saw their trade union as a place to go. There is a range of reasons for that, including some that I have already mentioned. Sexual harassment is not seen as a workplace issue; it is seen as more of an issue for a person to resolve themselves. One of the key recommendations from that research, which the Scottish Trades Union Congress strongly supports, is for unions to be considered the first port of call, even if that is signposting members in the right direction. Unions should be a crucial part in addressing the issue.

Elaine Smith: I want to explore some of the key features of workplace policies and procedures that would support a positive environment and inspire confidence, and some of the characteristics of good reporting mechanisms, but you have all touched on a lot of that in response to the convener's question. I have a specific question for Cheryl Gedling. The convener asked about the role of trade unions. Do you envisage equality or health and safety reps taking on that role? What about people who are not in trade unions?

Cheryl Gedling: People who are not in a trade union should obviously immediately join the appropriate trade union to get great representation. One of the things that came out of the STUC response was that everyone who is involved in Parliament at all should be strongly encouraged to join the appropriate trade union. That is possibly missing from the guidance generally and something that could be very quickly and easily addressed.

Equality reps have a key role to play. Clearly, anyone who undertakes that role needs to be appropriately trained and that training needs to be regularly refreshed. It would assist the cultural change that is needed if those equality reps were given the time that they need to perform the role properly. That links with the fair work agenda—I am here today with two hats on, because I am supposed to be covering the STUC response as well. Progressing the fair work agenda in relation to equality reps a little bit more quickly than we have done so far would be extremely helpful.

Elaine Smith: Having received the answer to that question, I realise that I should have said that I am a member of Unite the union. I am sorry that I did not.

The PCS written submission says that it has not dealt with a lot of sexual harassment complaints but that that is not necessarily because sexual harassment is not happening, as "reporting is not commonplace." Do you expect that to change because sexual harassment is now under so much scrutiny?

Cheryl Gedling: An answer to that would just be speculation, of course, but there is significant research on the underreporting of sexual harassment, and it is not impossible that that will change. As I have said, there are a number of reasons why sexual harassment is not reported. There was a big response to the TUC research, which is why it is worth looking at that in more detail. In that sense, I guess that the Scottish Parliament is just like any other workplace for a variety of reasons. It would not be unreasonable to assume that there is a level of underreporting.

Elaine Smith: In a previous meeting, we took evidence from Parliament officials, who have confirmed that there is an external helpline that people can use. My question is for the whole panel, not just Cheryl Gedling. Will that helpline make a difference? Is there anything else that you want to talk about that you did not talk about in your first responses to the convener's question about barriers? What would make good reporting mechanisms?

Davy Thompson: The very existence of robust procedures is important, as is making people aware of them across the Parliament, so that people work in the Parliament with the knowledge that sexual harassment will not be approved in any way, shape or fashion. It is easy for a group or an organisation to say that it has a zero tolerance policy, for example, but that is just step 1; it also has to demonstrate that it has a zero tolerance policy. There must be induction training for everybody who comes into the Parliament building, so that they are aware that sexual harassment will not be accepted in it. That will initiate the prevention processes that will mean that robust procedures will not even need to be applied.

Harassment comes from an abuse of power. If the people who have that power know that everybody is being encouraged to report an incident should there be one, that in itself will start to be preventative.

Elaine Smith: Could examples of sexual harassment be included in induction procedures? Cheryl Gedling spoke about people perhaps thinking that it is a personal thing rather than a

work issue. Would examples of sexual harassment be helpful in induction procedures?

Davy Thompson: Yes, I think so. For a lot of people, there is confusion about what people mean when they use the word “harassment”. There should be training on what sexual harassment is in general and what can be done about it. Cheryl Gedling mentioned bystanders. What witnesses can do and witnesses feeling confident to come forward were mentioned. I hope that witnesses can feel confident to step in so that an issue is already dealt with before somebody needs to report it and things are prevented from happening in the first place. If there is a general atmosphere in which active bystanders will step in at an early stage, procedures will not need to be applied because a report will not need to be made. Encouraging folk in that way is very effective.

Katy Mathieson: A helpline is helpful and encouraging. It would also be really helpful if it were linked into other processes in the Parliament.

We have already talked about having an independent third party to whom somebody could go. The helpline could have a connection to them, so that people could go to them in confidence and discuss their situation. If they wanted to take action, somebody who was independent could take them through the process with clear ways of proceeding. That could make a difference.

Elaine Smith: Are you talking about someone such as a trade union health and safety or equality representative?

Katy Mathieson: Yes, I think so. They should have a lot of training on sexual violence awareness, as well. It is really important that the correct messages are given the first time that somebody makes a disclosure. Cheryl Gedling spoke about sexual harassment often being seen as a personal thing. With a sexual harassment or any kind of sexual violence experience, it is difficult for a person who is in a situation that is undermining or traumatising them to make clear decisions or to do so within a tight timeframe. Having a bit of flexibility is therefore really important.

Emma Trottier: On the point about induction and learning, it is not about doing a one-time sexual harassment training course and then checking the box to say, “Okay, I’ve done this—it’s all settled, I am good to go now.” It is about continual learning for any employee in the Scottish Parliament. Part of what will fall into that is being able to collect and share data on reporting investigations and sanctions for such behaviour. There has to be continual awareness and not just a one-off, check-box exercise in which people can say, “We’ve done this now,” or, “We’re set.”

Jamie Halcro Johnston (Highlands and Islands) (Con): Before I ask my question, I want to check a couple of things, picking up on what has been discussed. The term “harassment” in some ways suggests that it is repeated behaviour, but of course it could be a one-off incident. Do we have to look at the terminology that we use so that people can better understand what they should be reporting? Could the term “harassment” put people off because they think, “It was just a one-off incident so I don’t have to report it,” particularly if it is what might be described as low level? Should we be looking at that terminology?

Katy Mathieson: That could be an issue. In our submission, I gave some feedback about whether there was a lack of protection for women who had been in contact with the Scottish Women’s Rights Centre. One of the survivors whom I spoke to had experienced a very serious assault, but there had been years of sexual harassment before that. She worked in a male-dominated environment where that was almost seen as being banter or daily exchanges and she did not realise the risk that that posed, because it was so common within that culture. It was really hard for her to then identify what was escalating. She could never have known what was going to happen, but the culture and the terminology probably played into it.

Davy Thompson: In general, it is good for people to have a better understanding of what is being referred to. It does not really matter what the title of it is; it is about understanding the behaviour and, more importantly, it is about people understanding what behaviours are unacceptable for them to engage in. It is also about people looking inwards a wee bit and acknowledging that those behaviours, in which they have perhaps engaged in the past, are no longer acceptable.

Cheryl Gedling: It is a really important point. We have seen some of the really vile reporting in a lot of the press and media along the lines of, “Goodness me, you can’t pay anyone a compliment anymore—it is political correctness gone mad,” and there are all these appalling people who crawl out from under stones when things such as this are exposed. A great starting point is the Equality Act 2010 definition. It makes it really clear what sexual harassment is, briefly and in a way that is easy to comprehend.

Elaine Smith spoke about using examples, which I think is invaluable. It is really important to do that so that people are clear about the kind of behaviour that is not acceptable. There is a spectrum of behaviour, but all of it is unwanted behaviour. It is quite interesting that Jamie Halcro Johnston used the term “low level”, because that is usually part of a pattern of behaviour that goes on for some considerable time and is actually a

huge issue because it is unwelcome to the individual concerned.

It is also important to remember—particularly in the context of the Parliament—that such behaviour does not have to happen within work to be work related. It also takes place on social media, which is a huge part of working life these days, at social events, and at official events outwith the workplace. Anything that someone does in connection with work is work, so it is not okay to indulge in that kind of behaviour at an event in the evening or the weekend.

Jamie Halcro Johnston: The Engender submission says:

“The Scottish Parliament must never tolerate or ignore sexual harassment or inappropriate conduct of any kind or in any form.”

I imagine that all organisations would support that.

I think that the “Code of Conduct for Members of the Scottish Parliament” has a presumption of informal resolution. What are the positives and negatives of informal resolution before complaints go through a more formal process? Is there a place for that, or would you suggest that such behaviour should immediately be reported and go through the formal procedures?

10:00

Davy Thompson: It depends on the nature of what is being reported. If somebody independent is going to be involved, are they of the opinion that, with their training, it could be resolved in a relatively low-level way? When I say “low-level”, I am talking about the resolution process rather than the activity.

Emma Trottier: When I was writing that, I was thinking that whether the discussion is formal or informal should be up to the person to decide. They should have all the available information on what an informal complaint versus a formal complaint entails so that, when they make that decision, it is an informed one. As of right now, and as the policy stands, I am not sure what either entails for people who experience sexual harassment in the Scottish Parliament.

Cheryl Gedling: I could not agree more that it needs to be for the individual to decide for themselves what is most appropriate for them.

Having said that, one of the benefits of informal resolution is that it can often be done really quickly. With the best will in the world, formal processes sometimes take longer. It is crucial that both those avenues of resolution are available, but it is only ever for the individual to decide, with all the information that is available, what each option means for them and what the potential outcome is

of each. As long as there is clarity around that, the individual must be able to decide for themselves.

Jamie Halcro Johnston: I have one further question. It is slightly unrelated, but it is about a point that Cheryl Gedling made earlier. You spoke about the embarrassment that people face and how that is why they do not report. Once the initial complaint has gone in and follow-up evidence is being taken and so on, is it important that people can access a person of the same sex to do that reporting? Is that happening at the moment and in enough cases?

Cheryl Gedling: The answer to that is probably not, for a variety of reasons. It is important. Just like everything else, it comes down to making sure that time and money is available to resource that properly. The benefits of doing it so that individuals choose for themselves how best the process should be taken forward are significant, because not doing that is another barrier to reporting.

Let us criticise ourselves. I might say, “I would go to that union rep, but he is a 60-year-old man and, as a 24-year-old woman, I am not going to share that experience with him.” That is an important point and the option should be available.

Katy Mathieson: I very much agree with that. When survivors report sexual crimes to the police, female and male survivors are given the option to decide whether they want to speak to a female officer or a male officer. It is important. Most people prefer to speak with a female when they are making a disclosure, so it important that they have the opportunity to do so.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): A point was made earlier that I think is one of the most important points that has been made in all of this. Most people would probably agree that, in principle, there should be zero tolerance of harassment, but when it comes to having the confidence to report it, not doing so is so often justified by them saying that it is not really harassment, they do not have a right to report it, no one will take them seriously, and so on. A lot of that has to do with justifications of harassment on the basis of some other reason. You mentioned the Parliament, which has a unique power balance and way of working. How do we clarify in people’s minds, particularly the minds of those who want to report it, what is wrong and that they have the right and liberty to report something when they might be justifying what happened as being in a unique set of circumstances and power balance, or that it happened because they work in a particularly male-dominated environment and that it is just part of the culture?

That is question is bigger than being just about the Parliament. Does it make sense?

Emma Trottier: I guess that you are asking how we encourage people to report.

Kate Forbes: My question is how we ensure that people understand the definition of harassment and that they know that it is within their rights to report harassment.

Davy Thompson: We do that through the culture and through training people, encouraging discussion about harassment and making it an open subject. People will get to know and understand what other people think and what everybody agrees is acceptable and is not acceptable.

On the whole, people know. If you are concerned that harassment is happening to you, the behaviour is probably not acceptable, but that does not mean that you will convince yourself that it is not acceptable. If the general atmosphere is that this sort of thing does not happen here because we do not put up with it, and it is seen happening, somebody will comment on it. They will not wait until you report it.

Kate Forbes: In practical terms, how can we get the message out there? We have posters and we have had emails about the helpline.

Katy Mathieson: Awareness campaigns are important. Under the equally safe strategy, the Scottish Government has recently looked at funding an awareness campaign, and I think that that would be really helpful. Such campaigns should focus on what sexual harassment is and on perpetrators' behaviour, rather than on victims and survivors. In that way, the messages that go out are about behaviour that is not appropriate and not acceptable. People who are experiencing it can see that and say, "That is what's happened to me, and it's not acceptable", and a clear message goes out to the people who are perpetrating the behaviour as well.

We have already touched on the importance of the culture within workplaces. It is important to embed that from the induction period all the way through so that it is a constant conversation. Culturally, in our society, we give out so many mixed messages about gender-based violence that it is not surprising that they are all found in the workplace as well. It is about trying to unpick some of those messages and reframe them.

Cheryl Gedling: I agree with everything that has been said. It is difficult to give people the confidence to come forward. It is important for the process to be very clear so that it is not off-putting, and there is a leadership role in every organisation that employs staff of any kind to make it clear that sexual harassment is not acceptable behaviour.

Because of the nature of sexual harassment, it is really difficult to get robust data and monitoring.

I appreciate that Parliament staff are not civil servants, but it is useful to touch on the civil service employees survey, which is done regularly. It looks into harassment and the willingness of staff to call out unacceptable behaviour, so we can monitor broadly how able people feel to do that. Unfortunately, the statistics show that they do not feel any more able to do that than they did 10 years ago, which is perhaps a failure of the policies and procedures.

Confidentiality is crucial as well. People need to know that they can come forward and describe their experiences, that they will be believed and that no step in the process will be taken without their agreeing to it.

Some of it is about process and some is cultural. I know that there are issues around mandatory training, but I think that training on this subject should be mandatory for every member of staff and every politician, without fear or favour, so that it is quite clear that everyone is held to the same standard.

Katy Mathieson: I should have mentioned something else. When I was putting together our written submission, I had contact from somebody—I put a quote from her in the submission—regarding her experience in the Parliament. I think that the thing that she really wanted me to convey was that something happened that she considered to be less serious, which she tried to report through a number of different avenues, but she has still not received any kind of feedback from that. When she then experienced sexual harassment within the Parliament, she did not feel that she could come forward and report it at all.

There is a really important point in that experience about not waiting for things to escalate and not thinking that it is only the high-end of sexual assaults and sexual harassment that matter, but thinking about the fact that women experience a continuum of violence, and things that people might consider to be less serious affect how we see the more serious things and whether we feel confident about coming forward. I thought it was really interesting that she made that point.

I also wonder about having champions within the Parliament—people who are really skilled up to work in this area. We talked earlier about union representatives, but it may also help to have champions, as we suggest in our submission. Other workplaces have champions for lesbian, gay, bisexual, transgender and intersex people, and it may help to adapt that approach to look at sexual harassment.

Kate Forbes: Given the duty of care to both those who have reported and the perpetrator

throughout the investigation and sanctioning process, what are your views on ensuring that support is available to both sides?

Katy Mathieson: It is a difficult issue. Employers have a duty of care and, in sexual harassment situations in a work setting, they often feel, quite rightly, that they have to support the survivor. However, they also feel that, as an employer, they have a responsibility to the person who has been accused. Depending on the size of the workforce, it can be possible to create safe spaces, and ensure that interactions are managed and that the two people involved do not have any contact with each other.

It goes back to Cheryl Gedling's earlier point, though. The workplace is one thing, but there are all sorts of other things associated with work at evenings and weekends, and third parties can also be involved. It is such an individual issue—it comes down to working with an individual survivor on what has happened, how they see it and what they feel would be beneficial to them, and, based on that, seeing whether a way forward can be found.

Cheryl Gedling: Unsurprisingly, I think that that would be a role for a trade union rep. We routinely represent members who are perpetrators and members who have suffered unacceptable behaviour. If the role of the union rep were extended in that way, it would provide an independent perspective.

It is challenging to respond to such situations. A response from human resources or personnel can be seen as an organisational response and, rightly or wrongly, there can be a sense that the person at the higher grade is the most likely to be supported. I hope that that does not sound too controversial, but unfortunately that is what a lot of people experience. I would expect trade unions to play a key role in such situations; it would be a significant role from the point of view of independence.

The Convener: There is a huge wealth of experience in front of the committee today. Have any of you worked with organisations that you consider to be implementing best practice with regard to culture and supporting people to come forward? Have policies been developed in other areas that you think would be transferable to the Scottish Parliament?

Katy Mathieson: In my submission, I have mentioned a few campaigns whose culture and messages might, I think, be of interest. A lot of work is happening in schools, universities and colleges on addressing sexual harassment. There are probably things that can be learned from them on, for example, awareness, advocacy and policy, and working with men on positive actions for

change. There are certainly examples in universities. Close the Gap has recently been funded to look at accreditation for employers. That is an interesting approach that might be worth considering.

Davy Thompson: Our organisation, White Ribbon Scotland, educates men on the issues and gets them to realise that everybody benefits if these situations change. I think that there is room for that type of training in the general training that takes place in the Parliament building.

With regard to the duty of care, I think that it is important for both sides that there are timescales, so that people know how long the process will take. There should also be clear guidance on the effect that the situation could have on the working environment of both parties.

Cheryl Gedling: I agree. There is an issue around the clarification of policies. As you have said, convener, there is a wide range of experience here, and you would be drawing on the experience of the people sitting around this table. I would point out the STUC submission's reference to the good work that has been done at Rape Crisis Glasgow. Moreover, I was at the Scottish Women's Convention's sexual harassment conference a week and a half ago, and somebody from the National Union of Students Scotland was talking about work that has been done in Dundee on acceptable and unacceptable behaviour. The work is called "Is this okay?"; what really appealed were the simplicity of that title and its sense of "Is what I'm doing okay?" It seemed like a really useful way of making people reflect on their behaviour.

Even if you have the best policy in the world, it will have no credibility if it is not implemented. Policies are fantastic, but they need to be followed and adhered to; if that does not happen, people will still not come forward and report incidents. That brings us back to the example that someone else gave about why someone might not come forward. To be fair, though, there are no easy answers, which is why such incidents are still significantly underreported and continue to be a huge issue. Working with the groups that are giving evidence today, the STUC and the trade unions is a really positive way of taking the issue forward and giving people confidence in the process.

10:15

Davy Thompson: It is quite normal for such procedures to focus on when someone should report, who should report, how to report and what happens when a report is made. However, they should also put a heavy onus on the perpetrator of such activities with regard to what this will mean to

them and how it will affect their work or their position at work. If this is an abuse of power, people need to realise that power will not protect them. Power might give them the feeling that they have the right to do this—indeed, in their head, they might think that they are entitled to do it—but it does not give them protection. That must be clear in the way that the procedures are written, in their availability and in their ease of use.

Alexander Stewart: A staggering statistic that we must acknowledge is that, according to the STUC, more than 50 per cent of women are likely to be harassed during their work lifespan. You have touched on prevention and have said that the key is monitoring, coaching and supporting people. The employer has a role in monitoring what is going on and in managing any trigger in the workplace environment. What should that trigger be and how can we ensure that people feel that their employer is, as is appropriate, on their side? As has been said, we have some distance to go in the relationship between individuals and employers to ensure that individuals have faith that what they say will be taken as real and taken on board.

Cheryl Gedling: I would like to pick up on the 50 per cent figure, because the fact is that it is higher than that. Unfortunately, four fifths of women have reported sexual harassment, which is an even more staggering figure that you had originally thought.

An interesting suggestion in the STUC submission is for a specific sexual harassment policy instead of its being wrapped up with general discrimination and bullying in the dignity at work policies that we have seen coming through workplaces in recent years. That is worth exploring, because it would give us disaggregated data. Although the civil service employee survey that I touched on reports on bullying and harassment in the workplace, there is no disaggregation to allow us to dig down into whether there is any sexual harassment element. There will be, but it is impossible to tell from the data.

The other difficulty lies in how we monitor this. I know that the Parliament has undertaken a survey—it is significant that that was done and it will be interesting to see the results—but it is difficult to monitor cases, as they are shrouded in secrecy. For instance, particularly with more serious cases—for want of a better phrase—there is often a gagging agreement; in other words, a resolution is reached, but the people involved, including the person who was the victim of unacceptable behaviour, are not allowed to talk about it. We need to look at that, because we cannot change the culture or resolve the issue while it is still shrouded in secrecy. I do not have

any easy answers to that, but it needs to be looked at.

Katy Mathieson: I very much agree about the confidentiality and gagging clauses, and it was a relevant issue for the women to whom I spoke. For one woman, it was impossible for her to talk about what was happening when the case went to tribunal and investigations were taking place at her work. Rumours started going around her workplace about her conduct and whether she had done something wrong and was being disciplined. The situation was really difficult for her, and it played into the power and control issues that we have talked about with regard to sexual harassment.

The other woman to whom I spoke had to attend six meetings in 12 months, and it was a really onerous process for her. It looks as though there will be a gagging order when the case comes to a conclusion, which is really dreadful. Both women are no longer at their place of employment, but the perpetrators are still there. Neither woman is allowed to talk about what happened, the process by which it went to tribunal or any of the issues in that respect, but the perpetrators are unaffected, with no impact on their career or financial security. It is all so unequal, and it plays into the issue of women's inequality in the workplace and their being more likely to be in part-time or less secure employment. When you look at it, it is part of a really big picture.

Alexander Stewart: The fact that gagging orders are imposed or that what is believed to be a cover-up takes place means that, even if there is an inquiry or an investigation, it is a whitewash in some people's eyes. You have identified people who have gone through that trauma and have not got the right resolution, and we need to ensure that we get across the message that the issue needs to be looked at in the round. After all, if we do not have confidence in the system, it will have no benefit for individuals, because the reporting will not continue. Again we will have underreporting.

Katy Mathieson: I think that you are right—it is a question of confidence. Both of the women I mentioned—who were not employed in the Parliament—said that they felt that the whole process was about protecting the organisation or service that they worked for and its reputation rather than uncovering what had happened to them. We are talking about really serious attacks that have had long-term effects on those women, neither of whom is in employment any more. The impact on them has been huge.

Davy Thompson: To some degree, when any organisation is trying to make its procedures more robust, it has to go through a pain period, when the procedures are suddenly applied a lot more

frequently. That gets across the message that a zero-tolerance approach is being taken, that such behaviour is genuinely unacceptable and that something will be done about it. Once we get to the other side of that and the message and the new culture become pervasive in the organisation, the number of incidents—and therefore the need for them to be reported—starts to reduce.

Alexander Stewart: Some form of sanction is what people want—they want to believe that the perpetrator has been dealt with. They want something to happen. If something does not happen, there is little point in the process.

Davy Thompson: Yes, but to a great extent, people's confidence in the system comes from knowing that they have been believed, respected and dealt with professionally, and from knowing that they, rather than the organisation, have been put first.

Emma Trottier: It also comes from knowing that there will be a sanction for such behaviour, because at the moment it is not clear that there will be. In addition, it is important to know how, by whom and under what criteria that sanction will be decided. The fact that there is an absence of information on all of that is a massive barrier.

Davy Thompson: All those things have a preventative effect, too, because potential perpetrators are aware that they are taking place. Therefore, it works from both sides.

Patrick Harvie (Glasgow) (Green): Good morning. I draw members' attention to my entry in the register of members' interests, and because we have discussed the STUC's submission, I put on record the fact that the STUC is my party's landlord—a very fair and excellent landlord, I should say.

I want to ask about sanctions. Cheryl Gedling mentioned that the Scottish Parliament is an unusual workplace. One of the unusual things about it is that there is a group of people working here who cannot under any circumstances be dismissed for behaviour that would be equivalent to gross misconduct or what have you. There is a great deal that we can do and which the Parliament is doing to make it easier to challenge inappropriate behaviour and help an individual understand why their behaviour is inappropriate. At the other extreme, we can be more robust in making sure that behaviour that meets a criminal standard is dealt with as robustly as it needs to be.

Is there a gap in the middle? There is obviously the democracy argument when it comes to why MSPs cannot be dismissed from their seats, but is there a counter-case to be made for removing that protection? If so, how should that be done? What kind of behaviours might fall into that area and give us difficulty in the future?

Emma Trottier: Are you weighing the duty of care against the sanctions that can be imposed—

Patrick Harvie: A range of sanctions is available if an MSP has been found to have carried out serious behaviour, but they do not include removing them from office. Is there a gap in comparison with other workplaces, where, ultimately, if their behaviour was serious or persistent or could not be successfully challenged in other ways, a person might be dismissed from their post? Should we consider that option? If so, what range of circumstances might not be amenable to the sanctions that we currently have available to us?

Cheryl Gedling: Yes, there is undoubtedly a gap. It could be regarded as MSPs being held to a different standard. Given that we have just a short time left, I am not sure that we can spend a lot of time talking about this, but if you want to confirm that the Parliament is serious about looking at the issue and addressing it, that gap should certainly be considered.

Patrick Harvie used the term "gross misconduct". Perhaps a useful starting point would be to consider what other workers would be dismissed for doing. A whole range of things is covered by that term, including sexual harassment. It would certainly be a good starting point to look at the types of behaviour for which you should consider whether someone should be allowed to continue serving as an MSP.

Katy Mathieson: I am guessing that there is a code of conduct for MSPs and I wonder whether that has been looked at in terms of thinking about the different kinds of behaviour around sexual harassment. I agree with Cheryl Gedling that the current range of sanctions falls short. There is something missing in there.

I will just put in a caution about using the measure of whether such behaviour meets a criminal standard. Often, people do not formally report to the police for a range of complex reasons, so that would not necessarily be where the gap exists. When people report such behaviour, particularly with sexual crimes, there are often no other witnesses, so there are often issues about whether a case could proceed. There are questions about how effective it would be to use that measure as your extreme.

Davy Thompson: It is possibly the ultimate example in the Parliament situation where the power that somebody has been given by virtue of the fact that they cannot be removed opens up the idea that it could be abused and result in harassment and if there is no sanction that can take that strong power away, there is no sanction to be concerned about. I do not know enough about parliamentary procedures to suggest how

you go about changing the system so that MSPs can be removed after they have been democratically elected. It is over to you guys on that one.

Emma Trottier: Yes, there is a massive gap there if we are talking about gross misconduct. That gap fosters the very culture that we are discussing, which we have all shared our concerns about. I think that it is a failure of your responsibilities to your citizens. Would they want to be represented by someone who has been found guilty of gross misconduct? It is yet another barrier to women coming forward that there is no punishment for that kind of behaviour. What is the incentive for reporting if, at the end of the day, you are still sitting in a room with the person who sexually harassed you, or worse?

Patrick Harvie: Finally, is there anything that any of you would like to suggest by way of other sanctions, short of a final step, that might have been used successfully in other workplaces and that we should be aware of but which have not been considered as part of the code of conduct? Are there any other steps by way of sanctions that might be worth incorporating into our code of conduct short of that last resort?

Cheryl Gedling: Would it be possible for us to write to you about that, so that I can give it some thought? I have people I need to consult—I am not speaking just on behalf of PCS today.

Patrick Harvie: That would be really helpful—thank you.

Elaine Smith: I want to explore a bit further, from two different angles, the MSP issue that Patrick Harvie raised. We talked about gagging orders. Some women MSPs might be a bit reticent about coming forward for a couple of reasons. One is the publicity aspect. It would be played out in the press if it were to be made public and that may be something that women MSPs—or any MSPs, depending on the nature of the sexual harassment—might not want; I just use the term “women” because women make up the majority of those who experience harassment. That is one point.

The second point is that, in the end, I suppose that an MSP would lose their job—that would be up to the party and the whips. If they were removed from the party list, for instance, they could not stand again. If they were suspended or expelled from their party and they were constituency members or list members, they might be able to remain until the end of the session but, in the end, they would lose their job.

I come back to the point that I want to talk about, which is the role of party whips. If we are just looking at the political perspective, it might be easier for women members to complain about

someone in another party, but it might be far more difficult for them to complain about someone in their own party when you consider the politics of it and what damage it might do to the party. That is a whole other issue for MSPs. The whips are important and it is important to be able to talk about these things to another woman.

I make that point because, in my party, until the change in leadership, the whips were all men, and that is a barrier to women being able to discuss this sort of thing. Do you have any opinions on that? Perhaps Katy Mathieson could comment, because she mentioned that point earlier.

10:30

Katy Mathieson: You have hit the nail on the head. It is necessary to have women who people can go to to discuss a situation. There might be a range of options around what has happened in a particular set of circumstances, but if all the whips are male, it is unlikely that someone will feel that that avenue is open to them.

Elaine Smith talked about damage to the party, and that is what people fear. They might fear the damage to the reputation of a service or an employer or whatever, and that is always there.

The first response that somebody gets is really important. The people I have spoken to talked about how their managers—the people who should have made the initial response and managed the process—were not equipped to do it and their responses were poor. That undermined their sense of power or control in that situation and it played in to all the other things that had gone on.

It is important that there are women who people can disclose to and that they are properly trained and able to take on that function.

Emma Trottier: This goes back to the massive power imbalance, because 65 per cent of MSPs are men, and how there is a bigger issue around women's representation in political and public life.

Elaine Smith: I have another question, which is about the Equality Act 2010. The Engender submission says that third-party harassment provisions were repealed in 2013. That led me to wonder about third parties coming into the Parliament. Many events take place in Parliament and a lot of lobbying goes on, so all sorts of third parties and employees and MSPs could be affected by that. If MSP staff or MSPs themselves are subject to sexual harassment at those events, does that mean that, under the 2013 repeal, they have no recourse?

Cheryl Gedling: There is no legal recourse. The TUC and the STUC are calling for that provision to be reinstated. It is important to get the policy right so that there is a sense that that

situation will still be addressed. To be fair, you want most workplace issues to be addressed and dealt with well before you go anywhere near a tribunal or a legal case.

The repeal of that provision is significant and it is also part of the power imbalance. It makes the situation worse; there is no doubt about that. However, that does not mean that it cannot be addressed and that people do not have the option of taking an issue forward. To make a point that has been made several times during the meeting, it is crucial that policy nails that point and that it covers the third-party issue specifically.

Tom Arthur (Renfrewshire South) (SNP): I was struck by something that Davy Thompson said about preventing potential perpetrators. It suggests that the process that we have spoken about today is about deterrence and accepting that perhaps that is the only option. Would the panel like to speak about how we can change the culture more fundamentally? Emma Trottier touched on that when she spoke about the overall power imbalance.

I am keen to explore why men—and it is predominantly men—commit such acts in the first place and how we more broadly as a society but specifically in Parliament change the culture so that, in an ideal scenario, we do not have to think about deterrence, because people would not be thinking about committing such acts in the first place.

Davy Thompson: White Ribbon Scotland exists to educate men about how we can change male attitudes by engaging young boys as they grow up. We are talking about a cultural change across the country rather than within the Parliament building. If that were successful, you would have less of a problem to consider, but once you get to the stage of people coming into the building, you need to address the issue within these walls.

Prevention through the changing of attitudes is a long-term project, but it can be done. A number of campaigns have managed to do that, such as the ones on seatbelt wearing and drink-driving. It is about ensuring that prevention is properly funded and that the message is spread across the country so that it has a wide enough effect. You are talking about a generational change, so it is also about waiting to see the results of that activity.

One of the hardest things for us and other prevention campaigns to do is to prove that we have been successful, because full success only comes decades down the line. It is also difficult in relation to influence, because you are not there on the day when someone does not do something because of something that you said in a training session.

Essentially, we are aiming for cultural change across the country. Largely, the things that we have been talking about happening in the Parliament are things that could happen in every organisation across the country.

Emma Trottier: I will build on what has been said. We are looking at a generational change. We need to go all the way back and consider the social norms that force young girls and boys to take on certain roles when they are in school. Girls are told to be more caring and passive, while boys are told to be strong and tough. We need to start this conversation at that point if we want to talk about changing culture in Scotland and pushing for women's equality.

What I would not want to lose sight of in this landscape is the power differential that must be taken into account in the Scottish Parliament. The power imbalance causes and creates an environment that fosters coercion and exploitation, but the conversations that we are having today about sexual harassment policy and practice can have an impact.

Katy Mathieson: On prevention, I agree that it is important to go right back. Rape Crisis Scotland, which goes into schools, has recently expanded its prevention programme. Going in at an early age and talking about attitudes, relationships, equality, consent and so on is important in shaping people's understanding of relationships and how they relate to other people.

Tom Arthur mentioned deterrence. Deterrence must come with consequences, which I think is what he was trying to get at when he asked about the consequences of such behaviour. Gagging orders play into a situation in which we cannot talk about what the consequences are because we are not allowed to do so legally. There must be clear consequences for having perpetrated certain acts, but until we can start saying what those are, it will be hard to deter that behaviour.

Awareness-raising campaigns, which we talked about earlier, include stuff about attitudes, but I wonder whether they could include stuff about consequences, too.

Cheryl Gedling: Tom Arthur asked why men do it. They do it is because they can. Unfortunately, as we have seen recently, they might be doing it in bigger numbers than they were in the past.

I think that there is a budget for social change. I am thinking about the campaigns run by See Me Scotland and Zero Tolerance, which do useful awareness-raising work on mental health and domestic violence. Could the Parliament fund a campaign?

The Parliament has a role to play in leading the way. One way to do that is to look at your internal

procedures, but it is also about what you say to the people of Scotland.

What people's peers do is really important—again, that came up at the Scottish Women's Convention session that took place recently. For instance, when a group of men are sitting having a bit of banter in the pub and something is said that an individual finds unacceptable, it can be really challenging to call that behaviour out and challenge it.

Achieving societal change is a massive job, and clearly we are not going to resolve that round the table today. It is about changing such behaviour and giving people the confidence to call out members of their peer group or their friends or family when something unacceptable is said or done. It is also really important to look at the role of the bystander, which is something that needs to be developed.

Tom Arthur: I am keen to hear the panel's observations on political culture. I will give a simple example. The committee has worked in a consensual and constructive way to explore a serious issue. Later, the footage of this meeting will be uploaded to the Parliament's YouTube channel, and I can guarantee that, if you go and look at how many views it gets, it will be dwarfed by First Minister's question time, which will begin in an hour and a half or so and which is adversarial and combative and is reported on by a press gallery that is dominated by male political journalists. I am keen to hear your observations on political culture, its masculine, testosterone-fuelled, adversarial, combative nature and the role that that plays.

Davy Thompson: I think that that encompasses just about all aspects of society. We bring up young boys to think that they have to behave in a certain way in order to prove themselves better than others and, rather than working with their peers, to be combative towards them. We teach them that they have to be good at sports and be stronger, bigger and better if they are going to be recognised as real men. We need to change that. We need to change the way we bring up children and how we stereotype them, which feeds into the political culture and the journalistic culture. It starts to affect things once we have people growing up who have different ideals in the first place.

Katy Mathieson: There have been so many things in the press recently about people—at both Westminster and Holyrood—who have been appointed to different roles and who have made really horrendously misogynistic comments. What I find amazing is that there seems to be a debate for a period of time, with people saying, "Is that enough for that person to be seen as not suitable for the role?" Where is the debate in that? Surely, if somebody is making really inappropriate

comments or threats online or has said things that are completely out there, whether it was two years or 10 years in the past, that shows an attitude, and I find it surprising that that is not taken more seriously immediately.

Davy Thompson: We need to engender an atmosphere where people challenge such things, and we need to do that not just at the political level but at all levels, although it is clearly good if leaders comment on the issues and are more appropriate in their choice of words and how they put down misogynistic comments that are made.

It also matters within the family situation. As Katy Mathieson mentioned, a lot of work is being done by Rape Crisis Scotland, which is going into schools and working with children. We have done some work with schools as well. Children get on board quite quickly with this. They do not naturally want to be abusive, and they get the programme and the idea of how people can be better in their behaviour towards others.

However, if when those children go home they do not see any evidence that supports that work, they quickly lose the support that they have been given on the day. For example, they go home and say, "This is what I was doing at school today", and the reaction that they get from parents or somebody else in the house is, "Well, that's a load of rubbish. You don't need to bother about that". Perhaps a comment is made on television that is extremely misogynistic to the point of explaining how to sexually abuse women and nobody in the room says, "That's ridiculous. It's totally unacceptable". Perhaps a comment is made that is dismissed as just being locker-room banter, when people should be saying, "I've been in locker rooms and that's not locker-room banter". If those things happen, there is nothing to support the work that is being done in the schools.

We need to change that at all levels, and we need to have more men involved in bringing about change so that they are there as role models.

Cheryl Gedling: In a sense, there is a really easy answer to the question of how we change political culture. We need to see more women—let us have 50:50 and beyond. That might sound a bit trite, but people cannot be what they cannot see, and we need to see more women in the chamber, both here and at Westminster. It might be combative in the chamber here but, good God, Westminster is absolutely horrific. I give credit where it is due for the way that business is done here, but we need to change the political culture. We need to have more women coming through into the movement in every possible way, and there need to be more women MSPs.

Emma Trottier: I second that. That is where I was coming from. I would like to see more women

in politics and more political parties making an effort to ensure that 50 per cent of their candidates are women.

The Convener: I thank the panel very much for coming to the meeting. It has been a very interesting session.

We have discussed what trade unions can do and the role that they can play in the area a lot, so I put on the record that I am a member of Unison.

I thank Cheryl Gedling and Katy Mathieson for agreeing to provide the committee with written evidence on one of the questions.

I suspend the meeting to allow the witnesses to leave.

10:45

Meeting suspended.

10:49

On resuming—

Cross-party Group (Approval)

The Convener: Agenda item 3 is for the committee to consider whether to accord recognition to the proposed cross-party group on shared parenting. I invite members to comment on the evidence that they heard from Ivan McKee.

Patrick Harvie: I am happy to support the creation of the group.

Tom Arthur: I agree.

Members *indicated agreement.*

The Convener: Thank you very much for those comments. The committee approves the cross-party group on shared parenting. As previously agreed, we now move into private session.

10:50

Meeting continued in private until 11:30.

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