

PROCEDURES COMMITTEE

Tuesday 2 October 2001
(*Morning*)

Session 1

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PROCEDURES COMMITTEE

8th Meeting 2001, Session 1

CONVENER

*Mr Murray Tosh (South of Scotland) (Con)

DEPUTY CONVENER

*Mr Kenneth Macintosh (Eastwood) (Lab)

COMMITTEE MEMBERS

Patricia Ferguson (Glasgow Maryhill) (Lab)

*Donald Gorrie (Central Scotland) (LD)

*Fiona Hyslop (Lothians) (SNP)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Steve Farrell (Scottish Parliament Directorate of Clerking and Reporting)

Ken Hughes (Scottish Parliament Directorate of Clerking and Reporting)

Professor David McCrone (Adviser)

Richard Walsh (Scottish Parliament Directorate of Clerking and Reporting)

Huw Williams (Scottish Parliament Corporate Policy Unit)

WITNESSES

Kate MacLean (Convener, Equal Opportunities Committee)

Mr John McAllion (Convener, Public Petitions Committee)

Kay Ullrich (Deputy Convener, Equal Opportunities Committee)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 2 October 2001

(Morning)

[THE CONVENER *opened the meeting at 09:36*]

Consultative Steering Group Principles

The Convener (Mr Murray Tosh): Welcome to this meeting of the Procedures Committee. We are slightly late in getting under way, but that is not a problem. Item 1 is a presentation by the convener and clerk of the Public Petitions Committee in connection with the Procedures Committee's investigation into the principles of the consultative steering group.

I welcome John McAllion and Steve Farrell. I invite John McAllion to talk to the points that have already been submitted to the committee. The committee will then discuss those matters.

Mr John McAllion (Convener, Public Petitions Committee): Thank you for inviting me and the Public Petitions Committee to give evidence to the inquiry. The Public Petitions Committee has submitted a paper as its formal response, but I would like to take this opportunity to add a few comments of my own.

Citizens' ability to petition the Parliament was a significant plank of the all-party consultative steering group's vision of public access, openness and accountability. The establishment of the Public Petitions Committee as one of the mandatory committees of the Scottish Parliament was intended to ensure that petitions would be treated in a manner that is consistent with that vision. It was also an early indication that the Scottish Parliament was determined to do things differently from its predecessor, the House of Commons.

As members of the Procedures Committee will know, the House of Commons does not allow any right to direct petitioning by members of the public. Only members of Parliament may present petitions to the Parliament. They are allowed two minutes at the end of any business day to state what a petition is asking for and how many people have signed it. The petition then disappears into a green bag behind the speaker's chair and goes directly to Whitehall without any further involvement of the Parliament. The establishment of the Public Petitions Committee was a clear indication that the

Scottish Parliament intended to do things differently.

Since 1999, 398 petitions have been submitted to the Parliament and considered by the Public Petitions Committee. Those petitions have covered a wide range of subjects. It is the Public Petitions Committee's role to ensure that appropriate action is taken in respect of each admissible petition. That committee considers the issues that are raised by each petition and whether those issues carry sufficient weight to merit further parliamentary consideration.

In many cases, in which it is agreed that further action is required, other committees of the Parliament might be asked to carry out further consideration of the issues raised by the petitions. In 1999-2000, about 57 per cent of the petitions that were considered by the Public Petitions Committee were referred formally to subject committees. However, in 2000-01, that figure dropped to 17 per cent. That followed the introduction of more detailed initial scrutiny of petitions by the Public Petitions Committee, which takes great care to satisfy itself that further consideration of a petition is merited before referring it to a subject committee.

In other cases, the Scottish Executive, local authorities and other public bodies are asked to take action or to provide information to petitioners. In certain cases, although the committee might agree that no further action should be taken on a petition, it might nevertheless agree to send a copy to the relevant subject committee for information only, in order to make that committee aware of the issues raised. The Public Petitions Committee also monitors the progress of petitions that have been referred to other committees, or elsewhere, to ensure that petitioners receive a response on the issues that they have raised. We try to ensure that petitioners are kept informed of progress at every stage of the Parliament's consideration of their petition.

The Public Petitions Committee believes that liaison with petitioners is extremely important. We have produced a comprehensive guidance note on the submission of petitions, and a summary leaflet that provides basic details. Those materials are regularly updated and distributed to citizens advice bureaux throughout Scotland and to the Parliament's partner library network and they are published on the Parliament's website. The clerks offer assistance and guidance to petitioners on drafting and redrafting of petitions so that they comply with the terms of guidance and with the admissibility rules.

The Public Petitions Committee allows petitioners to make presentations at meetings, although we must often limit numbers in the interests of efficient management of meetings. We

find that many petitioners welcome the opportunity to speak to the committee and to answer members' questions.

We are enthusiastic about the use of videoconferencing facilities in appropriate circumstances to allow petitioners in remote locations to address the committee and to be questioned by members. Recently, we linked up successfully with petitioners from Shetland.

In an effort to increase accessibility to the petitioning process, the Public Petitions Committee is keen to allow electronic submission of petitions. We have a limited system on the Parliament's website, but it is far from ideal. The committee has a partnership agreement with Napier University's international teledemocracy centre, which allows electronic submission of petitions to the Parliament through the use of the centre's e-petitioner system. The system hosts petitions for those who wish to petition the Parliament, while providing advice on content and format in line with the Public Petitions Committee's current guidance. To date, we have been satisfied with the integrity of the e-petitioner system and we hope that it will be possible soon to hold discussions that are aimed at bringing that technology in-house, which would result in e-petitions being hosted on the Parliament's website.

The Scottish Parliament is unique in having a petitions committee that actively uses technology to that extent, with the aims of improving public participation and assisting the committee in processing petitions. The e-petitioner system has attracted great interest from the petitions committees of other parliaments throughout the world. However, we are alive to the fact that there will always be a significant number of petitioners who do not have access to the internet. Electronic petitioning will only ever be an additional option for petitioners and will run in tandem with conventional methods of petitioning.

A significant number of petitions have resulted in outcomes that the Public Petitions Committee considers positive. Many petitions have served to inform subject committees of the views of interested organisations and individuals as part of the inquiries or legislative scrutiny that committees have undertaken. When the Social Justice Committee conducted its inquiry into housing stock transfer, it received a number of petitions on that. When the Rural Development Committee scrutinised the Protection of Wild Mammals (Scotland) Bill, it received a number of petitions that informed the committee of petitioners' views.

Other petitions have been considered in detail by subject committees, leading in some cases to the publication of reports that have been debated during meetings of the Parliament. The report—

published today—on victims of hepatitis C who contracted the disease from blood transfusions originated from petitions that were submitted to the Parliament. Legislative change—albeit relatively minor—has been brought about as a direct result of petitions that were submitted to the Parliament. Those examples give us clear evidence that the system is an effective means of allowing direct public participation to achieve change where change is justified.

The feedback that the Public Petitions Committee has received from petitioners has been generally positive. The overwhelming impression is that people value the opportunity of being heard by the Parliament, even in cases in which the petitioner's preferred outcome was not achieved. The media have also made several favourable comments about the work of the Public Petitions Committee.

Our petitions system has attracted interest from parliaments throughout the world and it is notable that there appears to be a shift in Westminster's approach to handling petitions. The Leader of the House of Commons, Robin Cook MP, recently hinted strongly that he would like to introduce a petitions committee at Westminster. That approach was also recommended in a recent report by the Hansard Society's commission on the scrutiny role of Parliament.

There is always room for improvement. I am aware that subject committees often find it difficult to allocate time to deal with petitions because of work-load pressures. Committees have asked whether the Public Petitions Committee could do more of that work because, in many cases, the subject committees are unable to devote the resources that would be required to consider petitions further. That is unfortunate; perhaps we should give more detailed consideration to how we as a Parliament handle petitions.

09:45

A delegation from the Public Petitions Committee visited Berlin last week to see how the Bundestag deals with petitions. The Germans give petitions a particularly high profile—the Bundestag deals with 20,000 petitions a year. Its Petitions Committee has 29 members and is supported by more than 80 staff. Although that is on a massively different scale to and bears little comparison with our system, the most important point to note is that the Bundestag's Petitions Committee deals with petitions itself: it conducts inquiries and produces reports and recommendations and does not refer petitions to subject committees, other than to inform them that it is undertaking inquiries in those committees' areas of interest. That system is replicated in the federal states, or *Länder*. We visited the Berlin Land, which serves 3.8 million

people, where we heard about a system that is similar to the Bundestag's system.

We should consider whether we could learn from the German system of handling petitions. That would require much more detailed thought, but I believe that it is worthy of serious consideration, especially if it results in a more effective system with more public participation and involvement in the work of the Parliament. In the meantime, we will continue to review our procedures and to examine how we might improve and develop the petitions system.

Finally, I draw the committee's attention to the summary and conclusion of the Public Petitions Committee's submission, which highlight the committee's view that to date the petitions system has been a success—indeed, it has been one of the notable successes of the Scottish Parliament—and that it operates in a manner that is consistent with the CSG's vision. I am certainly of the opinion that the petitions system is one of the Parliament's success stories and that we should do all that we can to build on that success. I hope that the Public Petitions Committee's work will continue to be supported by the Parliament and, in particular, by colleagues on other committees.

The Convener: Thank you. I look forward to reading about the Scottish Parliamentary Corporate Body's response to a bid for staff and resources to beef up the Public Petitions Committee to the scale that you found in the Bundestag.

Your presentation and paper covered many points and we will kick all those issues around. The convener gets to go first and ask the easy questions, so I will start by asking about an issue that probably struck all members of the Procedures Committee as the most obvious. Your presentation and paper both highlighted the figure of 57 per cent for petitions that were referred to subject committees in the first full year, but which dropped to 17 per cent in the second full year. Can you go a bit further and explain why that decrease took place? The differential is quite striking. Did it arise because the Public Petitions Committee is doing more work itself or does it reflect a ruling on the admissibility of petitions? Can you tell us about the relationship between the subject committees and the Public Petitions Committee in relation to allocation of work?

Mr McAllion: The problem is partly to do with the Public Petitions Committee's remit, which is very tight. It allows us only to decide whether a petition is admissible or non-admissible and how that petition should be disposed of. Initially, the Public Petitions Committee was of the view that it should not interfere in areas that are relevant to the Parliament's subject committees, so we

passed many petitions to those committees.

After discussion with the committees, the Public Petitions Committee realised that the other committees would like us to do much more of the initial spadework, such as making inquiries and seeking views from the Executive, local authorities, public bodies and so on. They want us to handle as much of the work as possible before passing petitions to the subject committees. That is how the system has worked out.

We continually review the way in which we handle petitions. That has worked to the benefit of the subject committees, which now feel under less pressure, and to the benefit of the Public Petitions Committee, which has become much more involved in dealing with the work that is generated by petitions. Perhaps Steve Farrell would like to add to that.

Steve Farrell (Scottish Parliament Directorate of Clerking and Reporting): The Public Petitions Committee felt that, rather than acting merely as a postbox and forwarding petitions to the relevant subject committee, it was important to determine whether a petition merited further detailed consideration by a subject committee. The committee also feels that it is important to obtain a balanced view of the issues that are raised in a petition before it is referred to a committee. We now take a step back when a petition is received and first considered. Rather than simply referring a petition on in the first instance, we give it some detailed initial consideration. The Public Petitions Committee likes to ensure that the petition genuinely merits further consideration before passing it on.

The Convener: At that initial sifting stage, is the committee conscious that it is setting out to exercise control over admissibility? Do you have figures on the proportion of petitions that are rejected because they are not admissible? Is there an intermediate stage during which the Public Petitions Committee does a little work on a petition, takes some follow-up action but decides that there is not enough to the petition to justify sending it to a subject committee?

Steve Farrell: We try clearly to identify petitions that are inadmissible before we put them to the Public Petitions Committee. Initially, all petitions that were received were given a petition number, put in the business bulletin and considered as a new petition. That was because, as clerks, we have no role in weeding out; all petitions must go before the committee for a view to be taken on whether they are admissible. However, we have introduced a new system to deal specifically with inadmissible petitions. We prepare for the committee a separate paper with recommendations on petitions that are clearly inadmissible on the ground, for example, that they

ask the committee to take a view on a local authority's decision on a planning application. Parliament does not have the power to do that, so such petitions are inadmissible. In a separate paper, we list those petitions with recommendations on them, give the reasons why we think the petitions are inadmissible and ask the committee to agree to the recommendations. However, if committee members disagree with the recommendation, we can retrieve the situation by lodging the petition formally and dealing with it in the normal way.

Much filtering is done in that way to ensure that the petitions that go before the committee are admissible. With careful wording, many petitions—in fact all—can be admissible, but they might not merit further action. We must be clear about that. Petitioners are getting wise to the fact that if they word a petition in a certain way, it will be admissible. The petition might be to do with reserved matters, but careful wording can get over that hurdle. However, we are alive to that, and we make that clear in our briefing to members.

We always try to achieve a balanced view by giving parties that are named in petitions—local authorities, health boards or the Executive—the opportunity to give their side of the story before we reach a view.

The Convener: I am aware that in the past couple of years there have been people who have petitioned on the basis that the Parliament ought to step in and overturn the decisions of local authorities. That might be something on which we should comment in our report. What is your view of that, and what is the Public Petitions Committee's view? Should the Parliament have the power to call in the decisions of other public sector bodies and overturn them?

Mr McAllion: It should not. It is probably the unanimous view of the Public Petitions Committee that local authorities are elected bodies in their own right and that it is not the role of the Parliament to interfere in the decisions that they take as locally elected bodies. They are for the councils to decide on and to be accountable for at local elections. We are careful not to use the Parliament as a means of interfering with other elected institutions in Scotland. Under devolution, it is important that the Scottish Parliament knows what its role is and that it does not interfere with the rights of other elected institutions.

Donald Gorrie (Central Scotland) (LD): Do you see a difference between petitions that complain about something that a council has done and petitions that complain about something that a quango or a health board or an executive agency has done?

Mr McAllion: I think so. We have successfully

intervened with quangos—famously with Greater Glasgow Health Board—and managed to persuade them to listen to petitioners and take on board their views. That is legitimate, because quangos are accountable ultimately through ministers to the Scottish Parliament, so it is right that we should intervene in those cases. However, if a local authority reaches a planning decision, it is not the role of the Parliament to interfere with that local authority's planning decision. There are established means by which people can pursue those issues.

However, if processes are legislated for by the Parliament, we can intervene. For example, many petitions have been about the lack of a third-party right of appeal against planning decisions. We have passed those petitions to the Transport and the Environment Committee and asked it to consider the issue for future legislative change. I think that that committee is doing that as part of one of its inquiries. That is the kind of role that the Scottish Parliament can play, but it cannot become involved in decisions about a particular development.

Donald Gorrie: May I pursue that? In the case of Greater Glasgow Health Board, the Public Petitions Committee was successful in persuading the quango to do something. Should we have more powers? If one is persuaded that there has been a serious error by a quango or a Government department, should we be able to say, "You really must do something about it", rather than, "Please do something about it"?

Mr McAllion: I am not saying that the Public Petitions Committee should necessarily have greater powers, but the Scottish Parliament should be able, by whichever means it finds appropriate, to hold quangos to account and to question decisions that they take. I know that in theory that is done through holding ministers to account, but direct contact between parliamentary committees and quangos would be good, not only for the parliamentary committees, but—more important—for the quangos.

Mr Kenneth Macintosh (Eastwood) (Lab): I will return to a subject that the convener raised, which is the process by which the Public Petitions Committee initially judges petitions. It is important that that committee gets the balance right between giving all petitions a fair and considered hearing, and not swamping subject committees with petitions, which could overwhelm some of them. I seek figures. How many petitions are vexatious or a waste of time? I assume that it is a small number. How many do not meet the admissibility criteria because they question local authority planning decisions? To get down to a figure of 17 per cent of petitions being referred to subject committees is quite difficult and must require quite

a deal of effort from the Public Petitions Committee. I am trying to get a feel for the process that you put petitions through, because it is important that petitioners feel that they get a fair hearing and that you are coming to a balanced view.

Mr McAllion: The number of inadmissible petitions is small because, as Steve Farrell said, petitioners are becoming clever at wording petitions. Petitioners also are given support by the clerks. At any one meeting of the Public Petitions Committee there will be two or three petitions that are deemed inadmissible because they ask the Parliament to do things that we cannot do. That is usually because the matters are reserved to Westminster or to local authorities. Such petitions appear on the agenda of the Public Petitions Committee and any member of the committee has the opportunity to challenge a decision that a petition is inadmissible. However, the number of such petitions is not large.

The number of vexatious petitions was fairly large to begin with. Mr Frank Harvey got himself some national notoriety for being responsible for about a third of all petitions that were presented to the Scottish Parliament at one point. In the main, they were not serious petitions with merit, but every one of his petitions appeared on the Public Petitions Committee's agenda and was considered by the committee. Normally, it was ruled that no further action would be taken.

Mr Macintosh: One of the criteria that has been touched on is the number of signatures that a petition attracts. I assume that the Public Petitions Committee has discussed that. What is the ruling on the number of signatures on a petition?

Mr McAllion: There is no ruling. One signature is sufficient for a petition to be admissible. We have had petitions with tens of thousands of signatures. On one famous occasion, a petition that claimed to have 50,000 signatures turned out to have only 8,000 legitimate signatures: the rest of them were duplicates or photocopies. We launched an inquiry into that, and we tightened up our procedures. That petition did not get through, which was the main thing. We must be careful.

Funnily enough, the electronic petitioning system gives a more accurate check of signatures than is possible with a normal written petition, because it is possible to check e-mail addresses. Each petition is given a grading for reliability. More information is available using the e-petitioner system. Members of the Public Petitions Committee often feel that electronic petitions are easier to deal with, because more information is provided.

Mr Macintosh: I would like to move on to the e-petitioner system—

The Convener: Sure, unless Frank McAveety wants to come in on that point. I see that he does not.

Mr Gil Paterson (Central Scotland) (SNP): May I come in on that point? Have you noticed an increase in successful outcomes for petitioners following the reduction to 17 per cent in the percentage of petitions that are sent to subject committees?

Mr McAllion: I think so. The report that is being published this morning by the Health and Community Care Committee is an instance of that. There is more time for subject committees to deal with petitions that get through to them, because the petitions are fewer in number. The Health and Community Care Committee held a major investigation into the petitions about hepatitis C sufferers, which is encouraging. I am also a member of the Health and Community Care Committee and I am aware of the pressure on that committee's time and agenda. I get the feeling from subject committees that they would like the Public Petitions Committee to do much more of the initial spadework before deciding to send petitions on.

10:00

That is where the Public Petitions Committee would come in well. Many petitions make claims that are untested. If a petitioner complains about a health board, the Executive or a local authority, somebody must write to that body and ask for its view before a balanced judgment can be reached. That should be the Public Petitions Committee's role, rather than—as Steve Farrell pointed out—merely acting as a postbox that passes petitions to other subject committees and leaves them with all the work.

Although the system is working much better now than it did at first, it could work much better in the future. However, that might require the Public Petitions Committee's remit to be reconsidered and changes to its procedure and resources. At the moment, we are limited in what we can do because we have 80 per cent of the senior clerking support, 60 per cent of administrative support and 50 per cent of the assistant clerking support that the committee requires.

Mr Macintosh: Your comments on e-petitioning were interesting; I did not realise that the committee's system would be ahead of the game. We all receive e-mail from constituents and I usually reply asking for a name and address for the purposes of verification. What are your verification procedures for e-mail petitions?

Mr McAllion: We do not verify e-petitions; that is done by the international teledemocracy centre at Napier University, which has introduced a

system of grading in which seven is the highest grade and means utter reliability. The centre checks each signature on an electronic petition and tells us the origin of the signatures and their reliability. More checks are carried out on an electronic petition than on a normal petition. We cannot really tell whether a signature on a written petition is legitimate, unless it has been obviously duplicated; we just have to take it on trust. Although no checking system is perfect, I tend to think that the electronic system makes a more serious stab at checking the origin of signatures.

There have been few e-petitions because the facility is hosted on the international teledemocracy centre website, which is not promoted by the Parliament. To date, we have received only nine electronic petitions. However, if the facility were available and promoted on the Parliament website—in other words, if it were in-house—there would be a much greater reliance on e-petitioning.

Steve Farrell: About 10 per cent of all petitions that we have received have been produced electronically on our website, which is a fairly limited system. If we add that figure to the 3 per cent for e-petitions, the overall figure is close to 15 per cent without much promotion; we could increase that proportion if we really pushed that side of our work.

The system is innovative and representatives from Parliaments as far afield as Australia, Canada and South Africa have come to look at it. When the European Parliament Petitions Committee visits us next month, e-petitioning will be one of the main issues for discussion. We should promote and develop the fact that we are ahead of the game in this respect.

We are satisfied with the system's integrity. It can weed out duplicate e-mails and give us geographical breakdowns of where petitioners come from. One interesting feature of such e-participation and e-commerce—all those buzzwords—is the opportunity for petitioners to leave comments on the website. Instead of just signing the petition, they can say why the petition is good and suggest different ways of dealing with the issue. People can also add their reasons for objecting to the petition. The system opens up a whole new concept of participation through petitions. Instead of people blindly adding their names to petitions on street corners without knowing what they are signing—they might be in a hurry to do their shopping, for example—they have the opportunity to sit down, consider the issues and decide whether they want to participate.

The Convener: Do you not find that people who log on to the website to pursue a petition review all the other petitions and sign them as well—a bit like members signing a motion? Does that facility

add much to the system?

Steve Farrell: The Public Petitions Committee is alive to that possibility. However, we have consistently pointed out that, although the number of signatures is a measure of support for an issue, the most important thing is the merit of the issue that the petition raises. A petition could have one signature or 10,000; what matters is the issue under discussion.

Mr Frank McAveety (Glasgow Shettleston) (Lab): The convener and I shared the thought that, if the system had been available for the chartists' petition in 1848, it would have been clear that Queen Victoria had not signed the petition.

Mr McAllion, you mentioned the European Parliament and the fact that the Bundestag deals with 20,000 petitions. If you had retained your commitment to allow petitioners to speak to their petitions, you would be running the Parliament, given that number of petitions. Increasing the use of the e-petition facility might work against some of the Public Petitions Committee's other commitments unless additional resources are made available, which is an issue worth discussing.

Has any parallel work been carried out on petitions systems in the Bundestag, the European Parliament and other Parliaments that would provide us with a template made up of models from around the world? That sort of information would help us to measure the effectiveness of redefining the committee's role and of giving it more resources. I could form a view on the issue only if such information were available.

Mr McAllion: We will be producing a report of our visit to Berlin, which will be considered by the Public Petitions Committee. I am sure that we will also pass the report on to the Procedures Committee.

There might be a case for the Procedures Committee to consider how the Parliament handles petitions and to take evidence not just from the Public Petitions Committee but from subject committees and outside bodies. Although the system can be developed, that will require a wider examination of the way in which Parliaments in other countries handle petitions.

The comparison with the Bundestag is perhaps not completely apposite. Its Petitions Committee acts almost like an ombudsman and deals with individual complaints. It meets mainly in secret; it does not allow public sessions because a large bulk of its work involves the kind of individual problems and cases that would not come before the Public Petitions Committee. However, the Bundestag committee also deals with the same kind of public policy issues that we address and commands massive support. We cannot replicate

that situation because, as Frank McAveety pointed out, we could not, with our resources, give thousands of petitions the serious consideration that they would merit.

However, we can build things gradually and find new and better ways of dealing with petitions. With increased support, we could take some of the weight off the subject committees. I am not suggesting that we steal petitions that subject committees might be interested in; the subject committees have a right to consider the petitions first. However, they might agree to the Public Petitions Committee pursuing petitions when they do not have the resources to do so. That might be a way forward.

Mr McAveety: Individual members from subject committees could work alongside the Public Petitions Committee and then report back to their committee. That would share the work load and save the whole committee spending time on the matter.

Petitions are essentially a mechanism for handling grievances, unhappiness over a situation or contentious issues. Your report seems to suggest that everything is hunky-dory. Have you received any negative responses? There might even be a petition against the Public Petitions Committee. For example, Frank Harvey might read the *Official Report* of this meeting and decide to write in about the committee.

Mr McAllion: I am sure that he will; he would not be happy.

Mr McAveety: Only one signature is needed, John.

Mr McAllion: Obviously there are unhappy people who feel that the system has let them down because they have not had the outcome that they were looking for. At the start, we allowed petitioners to speak to their petition at committee meetings if they wanted to, but the situation became impossible—we were having four and five-hour meetings. We agreed to limit that facility to three petitions each meeting. That has reduced the number of people who are allowed to speak, which has given some a cause for grievance. If people are determined to speak, they can wait for one of the three slots and then their petition will be heard.

Some people have said that three minutes is not long enough for an opening statement. However, that is a matter of time pressure on committee members; all Public Petitions Committee members have work obligations on other committees. Moreover, although petitioners are limited to three minutes, committee members may ask them questions for 15 to 20 minutes, so they get a good chance to speak. Although most people are fairly happy with the system, some will always be

unhappy. For example, many people are unhappy with the decisions that subject committees reach on their petitions. However, that is not a failure of the petitions system. On balance, I believe that we have a good system, which should be supported and developed.

Fiona Hyslop (Lothians) (SNP): I hope that you can hear me—my voice is a bit grim. Apologies for arriving late; I was at another meeting.

Can committees treat petitions in a variety of ways or is there a standard method across all the committees? The Social Inclusion, Housing and Voluntary Sector Committee, of which I was a member, did not deal with a huge number of petitions. That meant that we could deal fully with the issue of asylum seekers, for example, on which we had an evidence-taking session. The petition that gave rise to that work was one of the few that went a long way in the system.

What is your view about the petitions system allowing fast-track access to democracy on key issues? Although MSPs can ask questions, the petitions system allows people to raise the burning issues of the day. Compared to other systems, our system gets to the heart of Parliament quickly.

Mr McAllion: It is hard to judge how one subject committee will deal with a petition compared to how another one will because they receive different petitions in different contexts. Some petitioners feel that the subject committees do not deliver. You will remember that, when the Social Inclusion, Housing and Voluntary Sector Committee carried out an inquiry into housing stock transfer, a large number of petitions called for a moratorium which, in the event, the committee did not recommend. The petitioners would regard that as a failure. Then again, the Social Inclusion, Housing and Voluntary Sector Committee came to that conclusion, which was its prerogative as a committee.

Other committees successfully investigate petitions and produce positive reports that please the petitioners. The outcome depends on the nature of the petition and the context in which it is considered. We cannot say that one committee does better than another, because committees come to different decisions depending on the way in which they consider the policy issues.

A fast-track approach exists in the sense that, as convener of the Public Petitions Committee, I have the power under standing orders to lodge a motion on behalf of the committee to ask the Parliament to debate a petition, if we decide that it merits it. To date, we have not used that power, because we have not been convinced that it should be used. However, if a petition addressed a major issue that we felt the Parliament should address,

we could lodge a motion to that effect. Whether it would be accepted for debate is another matter, but the committee could recommend it.

Mr Paterson: I brought some people down to the Borders from Longriggend, which you probably do not remember.

Mr McAllion: I remember.

Mr Paterson: That was an event, because Longriggend is a small community—there are 80 households—but, at the meeting, there was a massive gathering of Borders people who were concerned with the Waverley line petition. The way in which the committee handled the people whom I brought to the Borders and the other people who were there made for good government. When I was coming back in the car with those ordinary people who had been in front of a large audience—there might have been 800 folk there—they told me that they felt that they had been treated extremely well and that their concerns had been listened to.

As time went on, letters were sent to and from the Public Petitions Committee and, again, the people from Longriggend felt that they were being heard. However, they did not feel that the new issues that they had brought to the committee meeting were being aired. Could some of the powers that you think you need effectively buoy up petitions that come before you when you feel that the cases presented are not answered properly? Do we need to introduce new powers and, if so, what do you have in mind?

10:15

Mr McAllion: As I said, I believe that the role of the Public Petitions Committee can be developed. We do the initial spadework for many of the petitions—we write to the Scottish Executive, to local authorities, to quangos and, in the case of Longriggend, to the Scottish Prison Service. Ultimately, when the committee has to reach a conclusion, we feel that we should not interfere in policy areas that are reserved to the subject committees. At that point, we pass on the petition and so lose control of it. All that we can do is insist that an answer be provided.

I was interested in Frank McAveety's suggestion that subject committee members could join the Public Petitions Committee for particular petitions and allow us to do more of the work. We have more time because we have no other agenda than petitions to deal with; we do not have all the other work that subject committees have. As long as it was with the agreement of subject committees, we could have a much greater role in deciding what to do about petitions rather than just passing them on.

The Convener: I hear that there is a groundswell to send you the statutory instruments.

Donald Gorrie: I will be interested to hear whether David McCrone agrees with my perception that, at the informal session that some of us had with members of the consultative steering group, there was some disappointment with the petitions system. Members of the CSG had felt that the petitions system would unlock not a Pandora's box, exactly, but a cornucopia of good things—a new democracy and all that. I felt that they were being a bit unrealistic, but it is clear that they feel somewhat disappointed in the system, rather than in the committee. Have you found that people have unrealistic expectations of the committee? Do you have suggestions on how we can better meet their expectations?

Mr McAllion: There was a floodtide of idealism when the CSG produced its report. Everyone thought that ours was a brand-new system that would open up democracy so that citizens could have significant influence. Realpolitik means that our system will inevitably come up against the fact that there is political power in Scotland and that that power is hard to shift. All that the Public Petitions Committee can do is ensure that a response is given to a petition. We cannot decide in favour of a petition if the Executive or the Parliament or other vested interests are against it and are not prepared to move on the issue. In a sense, what we do is highlight the fact that there is a division between citizens and the Scottish Executive or the Parliament and its committees. That is a necessary role. It will not solve every petitioner's problem and it never could do, but without it the Parliament would be much poorer and Scottish citizens would have far less influence.

Some petitions have influence—the law has been changed, reports have been published and quangos have been forced to change. None of that would have happened if there had been no Public Petitions Committee.

The Convener: I do not know whether realpolitik came from your trip to Berlin or whether it is something that you learned in Dundee, but your clerk is indicating that he wants to speak.

Steve Farrell: I want to highlight the point that John McAllion just made. The CSG would appreciate that the system works to a certain extent and that people are being heard and action is being taken. There have been success stories. Debates in Parliament have been prompted by petitions. Some minor changes to legislation might have affected only a small number of people, but those changes came about because of the petitions system. People have taken time to submit petitions and the Parliament has heard and considered them. The system is working. We

might not have had a petition that made a massive change or had a huge impact on a piece of legislation, but the opportunity is there for that to happen. In that respect, the CSG principle is being adhered to.

Professor David McCrone (Adviser): I think that Donald Gorrie's point was correct. The CSG's feeling was that in an ideal world the system should be more open. However, do you have a sense that you are getting petitions from the usual suspects and that, let us say, only 30 per cent of the population is involved? How does one encourage petitions from people who would not think of submitting them? The CSG was concerned about locking in a group of people who tend to know and play the system in the best sense. How does one encourage people who do not think of appealing to the institutions?

Mr McAllion: We do not receive petitions only from the usual suspects. The big lobbying organisations know how to use the system and they use it. A number of big petitions have come from the usual suspects, but many petitions come from ordinary citizens.

Our big problem is that people do not know that the Public Petitions Committee exists. I often mention our work when I am out at meetings and people are surprised—they have never heard of the committee and do not know that they have the right to petition the Parliament. All of us in the Parliament suffer from the fact that we are not well enough known. People do not know what the Parliament can do; we have to make them more aware.

The press and media could help, but the work of the committees is shown on television at about midnight on a Thursday, when no one is watching—except for the members of the committees. We could do a lot more to publicise the Parliament and what it can do. There is clear evidence that, when people know about the Parliament, they use it. However, letting them know about it is the problem.

Professor McCrone: Does the Public Petitions Committee have any specific suggestions on how to do that, apart from getting the press and media to publicise the Parliament more?

Mr McAllion: It would be good if the committee could get out and about around Scotland, but again we come up against problems with resources. The Scottish Parliamentary Corporate Body and the Parliamentary Bureau are not too keen on financing committee meetings all over Scotland. Money is the problem.

Mr McAveety: The education service for school pupils seems to be fully booked until after the new year. That tells me that the demand is great, but it also tells me that, if we want to encourage greater

voter identification with and participation in the Parliament, we may want to speak to Mr Paul Grice on those broader issues. The education service is part of the process of increasing awareness of the role of the Parliament and of the role that young individual citizens can play. I have been worried about a number of different things recently, but they all come down to one question: how do we allocate resources to sustain and then develop the things that we do well? After our discussion with John McAllion, this committee may want to consider whether a post should be created to increase knowledge of the Parliament among young people. Young people are future petitioners—or perhaps even present petitioners, because there are many issues that young folk may want to bring to the attention of Parliament.

Mr McAllion: Absolutely. Anyone can petition the Scottish Parliament—they do not have to be voters. School groups have petitioned us on the standard grades.

Mr McAveety: They might petition us to say that we should not force them to have school dinners.

Mr McAllion: I am actually expecting to receive a petition about free school meals—I have insider knowledge.

Mr Macintosh: I want to return to whether the powers of the Public Petitions Committee should be extended. You said that the committee's remit is tight. A key CSG principle was that of sharing power with the wider public; the Public Petitions Committee is an important avenue for doing that. Does the committee intend to hold an inquiry to assess how effective it has been so far, with the aim of suggesting how its powers could be extended? Alternatively, would you prefer the Procedures Committee, or some other body, to hold such an inquiry? Do you do any monitoring? Professor McCrone spoke about the people who petition the Parliament, their backgrounds and their feelings on the outcomes of petitions. Such information would be valuable in an inquiry.

Mr McAllion: We will produce a paper on our visit to Berlin and will try to draw lessons that could be implemented in the Scottish Parliament. There should be an inquiry. I respectfully suggest that the Procedures Committee would be in a far better position to hold such an inquiry than the Public Petitions Committee would be. The Procedures Committee could hear the views of all the subject committees. It could hear from petitioners and it could take evidence from Westminster or wherever. There has to be an inquiry before we suddenly change the way in which the Public Petitions Committee works. We have to consider carefully how the system works and how we want it to develop. We have to draw lessons from around the world. The Public Petitions Committee would play a part in that, but

the Procedures Committee would be best placed to hold the inquiry. I am sure that you have a busy agenda but, sooner or later, you should consider the issue.

We monitor petitions constantly. Before every meeting, we have a report on current petitions. We publish an annual report that contains information on who has petitioned us, what subjects were raised and how the petitions were dealt with. That information is available.

Steve Farrell: We are developing our database to give more information on where petitions have come from and what the outcomes were—whether there was a committee inquiry, a debate or legislative change. We are piecing that together and I hope that we will build a more complete picture of what happens to petitions once they come into the system.

The Convener: Is there scope to develop the idea of petition-inspired debates? I am thinking less of debates with votes at the end and more of the 5 o'clock slots, in which we do not necessarily arrive at a decision but provoke a ministerial answer. Have you ever felt that an issue that has come up in a petition could usefully be ventilated and kicked about the chamber for a minister to reply to, in order to flesh out the answer that is given to the petitioner?

Mr McAllion: At the moment, members' business debates are decided by the Parliamentary Bureau; we do not have a mechanism to refer a petition so that it can be discussed in such a debate. What you suggest would certainly be a useful additional way of handling petitions. With a number of petitions, it could be a way of keeping the petitioners happy, because they would see action in the Parliament. Often, all they want is the chance to air something and to get a response from a minister.

The Convener: Indeed.

Mr Paterson: I am conscious of what you have said about not treading into the territory of local government, but would you recommend a petitions system for local government?

Mr McAllion: We have done. I remember suggesting to the president of the Convention of Scottish Local Authorities that it might be an idea to set up some kind of public petitions committee to deal with complaints about the way in which local government operates. That could be for COSLA to do; alternatively, individual councils could have their own public petitions committees. Westminster is considering the idea and there is no reason why local government should not do so.

Many of the petitions that we have to reject concern local government. We have to reject them because the issues that arise are not within our

remit. However, our public petitions system is very good. People who use it are usually grateful to have had the opportunity. There is nothing to fear as long as we are sensible. Some may say that the Public Petitions Committee does not include the most sensible members of the Scottish Parliament—

Mr Paterson: We would never say that.

Mr McAllion: However, we usually come to sensible conclusions. In two years, only one issue has gone to a vote; things are almost always done consensually. Everyone on the committee is motivated by what is in the interests of the petitioners. If petitioners have a legitimate criticism, we try to deal with it; if they do not, we come to the sensible decision that no further action should be taken.

Steve Farrell: We received a petition that called for the setting up of a public petitions system in local government. The Public Petitions Committee felt that the petition was important and referred it to the Local Government Committee. That committee decided, for one reason or another, that the petition was not worth taking any further. There have been calls for such a system in local government and the issue has been discussed.

Fiona Hyslop: I wanted to discuss resources. The Public Petitions Committee is an important door to the democracy of the Parliament, but people have to know that the door is there before they can knock on it.

We will hear shortly from the Equal Opportunities Committee. I do not know whether you are aware of the resources that are required to build a database containing information on who has petitioned the Parliament and what has happened to their petitions. However, have people from all walks of life been able to access the Public Petitions Committee? Have the petitioners been a fair reflection of Scottish society, or have we been restricted to the male middle classes who know how to work the system? How many young people or people from ethnic minorities have accessed the system? What percentage of the petitioners who have spoken at meetings of the Public Petitions Committee have been women? How far has the work of the Public Petitions Committee reflected the Parliament's equal opportunities ethos?

10:30

Mr McAllion: We could not possibly claim that the petitioners with whom we have been in contact so far are a fair reflection of Scottish society. Large sections of Scottish society have never been represented at the Public Petitions Committee. For example, we have received no petitions from the ethnic minority population, which

is surprising, given the political context in which we operate. There is a dearth of petitions from ethnic minorities, but we get petitions from women's organisations and groups.

It is a pot-luck situation at the moment. Those who happen to know about us will use us, but large sections of the population do not know about us. We must work at improving that, but the problem is that we do not have the budget or the resources to do a great deal. We send our publicity material to citizens advice bureaux and put it on the Parliament website. People who know how to use those systems will notice that material, to a certain extent. However, the bulk of the population does not notice that we are there at all.

The Convener: Does anyone have any final questions?

Mr McAveety: It would be helpful to have some sort of thoughts paper on a number of those issues and others; I do not know whether that would be the responsibility of the Procedures Committee or of the Public Petitions Committee. For example, I am concerned about young people and the youth parliament. Access and opportunity for ethnic minority communities, and for anyone from such a community who wants to raise an issue, might well be related to publicity and the quality of the material—for example, whether it is translated into other languages. There is a whole range of questions. At the moment, the discussion is interesting but insubstantial and I would rather get some sort of substance behind it.

Mr McAllion: We intend to put together a paper about the role of the Public Petitions Committee, in the light of our visit to Berlin and our contact with other petitions committees around the world. We would be happy to pass that paper on to the Procedures Committee.

The Convener: Thank you.

Professor McCrone, was there anything that you wanted to touch on that has not been covered?

Professor McCrone: No. You have covered it all.

The Convener: In that case, we will draw this item to a close with thanks to John McAllion and Steve Farrell for an interesting and informative discussion. I look forward to revisiting some of the issues, either within the scope of our inquiry, or within the scope of any further work that you want us to look at.

Mr McAllion: Thank you, convener.

Selection Panels

The Convener: Agenda item 2 is consideration of a paper on selection panels for the appointment of office holders. We welcome the return of Alison Coull and Huw Williams, whom we obviously rattled the last time, because this time they have decided to play their joker—I welcome Ken Hughes to the meeting.

Huw Williams (Scottish Parliament Corporate Policy Unit): Our original paper proposed a change to standing orders to allow selection panels to be set up and for the panels' work on the recruitment process to commence after stage 1 of a bill. After consideration of that paper, the Procedures Committee asked for a further mechanism to be introduced that would allow the Parliament to take a separate, conscious decision on the beginning of a recruitment process, instead of automatic approval arising from agreement to stage 1 of the bill.

We do not expect such appointments to be numerous—as you know, we are aware of only two at present. However, given that either the Executive or a committee can introduce a bill, our view was that the Parliamentary Bureau could instigate an additional mechanism to ensure uniformity of approach. It was proposed that the bureau would lodge a procedural motion.

The bureau considered the matter at its meeting last week and we understand that its decision has been conveyed to the committee. The bureau's view was that Parliament's approval of a bill at stage 1 should be sufficient authority to proceed with the appointments procedure, particularly if the bill's general principles include a proposal to create a post. The bureau considered that separate parliamentary approval to start the selection procedure was not necessary.

The Convener: Was any thought given to some less formal way of flagging that up? For example, it could be commented on in the report that goes for approval at stage 1, or it could be added to the stage 1 motion—not necessarily as a separate procedure or resolution, but simply in such a way as to draw Parliament's attention to the implication that passing the motion would trigger the selection procedure for a new post.

Ken Hughes (Scottish Parliament Directorate of Clerking and Reporting): That was discussed, but the overall view was that as the general principles of a bill indicate the intention to create such a post, that was the only mechanism that was necessary to provide the authority to proceed with any selection process.

The Convener: I understood that the general principles of a bill were summed up in its long title.

Ken Hughes: No. That is not the case. The general principles of a bill are laid out throughout the bill. The long title is a starting point, not the end point.

Fiona Hyslop: I confess that I was at the bureau meeting when this matter was discussed, so I come with two hats on.

The Convener: Which hat are you wearing?

Fiona Hyslop: I am arguing the Procedures Committee's point.

I raised with the bureau the Procedures Committee's point that it was important to have an obvious, positive, separate statement about the recruitment process going ahead. However, as has been explained, a committee's stage 1 report would have to report on the general principles of a bill, one of which would be the appointment—or not—of an office-holder. Again, still wearing my procedures hat, I assume that if any party or member were not happy about the appointment of a commissioner, for example, being part of the general principles and did not want the selection process to go ahead—I think that that is where the Procedures Committee was coming from—it would be within their power to amend the stage 1 motion. Any party or member could amend the motion to say that they were not happy with that aspect of the general principles. Existing procedures provide a mechanism to draw out the appointment aspect from the general principles. That mechanism might satisfy the Procedures Committee.

It also makes sense, however, from the bureau's point of view, that a stage 1 motion on the general principles of a bill must include the appointment of an office-holder. That might be a mechanism to help resolve any potential problem. Is that explanation of the procedures correct?

Ken Hughes: Yes. Reasoned amendments at stage 1 could pick out something like that. That seems to be an entirely plausible course of action.

The Convener: Are there any other points?

Mr Macintosh: I am glad that Fiona Hyslop gave that explanation, because I found the letter from the Presiding Officer a little short. I did not get the impression that there had been a huge discussion at the bureau. I am glad that Fiona Hyslop has commented, particularly on that point, because the convener, at our previous meeting, suggested that there should be an explicit mechanism to flag up this issue. There is no reference to that in the letter from David Steel. However, I understand now that it was considered. I would not say that I am entirely content, but I do not want to prevent progress on the matter any further.

Donald Gorrie: Parliamentary procedures are a bit vague about what we are voting for when we

vote for the general principles of a bill. I raised that point once before, when the Conservatives, after we had voted to accept the general principles of a bill, were thereafter not allowed to make what seemed to me perfectly legitimate amendments—with which I disagreed—because it was alleged that Parliament had covered that matter in the principles of the bill. It would be possible for a member to support the principles of the bill, but to want some other method of achieving the appointment of an office-holder. I doubt whether it is correct to argue that because we voted for the principles of a bill we are committed to having such an appointment.

Ken Hughes: If a bill proposed the creation of a royal appointment post, I assume and anticipate that that would be a fairly fundamental element of the bill. I do not think that such a proposal would be hidden, or would not be a key part of any deliberations that went on in the committee at stage 1. I take your point and I see where you are coming from, but the creation of a royal appointment post is such a fundamental aspect of a bill that I do not think that it would be missed or just glanced over.

The Convener: Would an amendment that would delete a provision that created such a post, or stop the process of filling the post, be a wrecking amendment and therefore inadmissible?

Ken Hughes: That is a judgment for the Presiding Officer.

The Convener: I am sure that he would take advice from a reliable source.

Ken Hughes: Such an amendment could be a wrecking amendment.

The Convener: The conclusion to the report to the committee asks us to consider the proposed changes to standing orders and recommends that the changes be agreed. Do we agree to that?

Members indicated agreement.

The Convener: That recommendation is grudgingly agreed. Perhaps the author of the letter in question will reflect on the gap in the response that was given to the committee. I thank the witnesses for attending.

Committee Meetings

The Convener: Agenda item 3 concerns a brief report that the committee has discussed previously. The paper recommends a change to standing orders to allow committee meetings to be held on plenary days when a plenary meeting is suspended, which is typically for a meal break. If we do not require to discuss the matter, do we agree to the terms of the report?

Members *indicated agreement.*

The Convener: I adjourn the committee for about five minutes to prepare for the next agenda item.

10:41

Meeting adjourned.

10:59

On resuming—

Consultative Steering Group Principles

The Convener: We pick up from where we left off. I confirm for the record that no business was transacted during the adjournment; we were simply awaiting the arrival of representatives from the Equal Opportunities Committee. I am grateful to the Public Petitions Committee, the Equal Opportunities Committee and a number of members of the Procedures Committee for juggling among themselves the various meetings that have been happening today so that we can fit in with one another.

I welcome the convener of the Equal Opportunities Committee, Kate MacLean, and the deputy convener, Kay Ullrich, who was briefly a member of the Procedures Committee. They are supported by Richard Walsh and Lee Bridges, who are the clerks of the Equal Opportunities Committee. We will start with a presentation from the convener, as we did with the convener of the Public Petitions Committee—we already have a paper. Members will then discuss the issues that are raised.

Kate MacLean (Convener, Equal Opportunities Committee): Thank you, convener. It is a bit strange to be sitting at this side of the table instead of in the convener's chair.

As the convener has introduced the Equal Opportunities Committee delegation, I will go straight to a brief presentation, after which we will answer questions.

As well as satisfying the demands of many organisations that have campaigned for many years for equality in Scotland, the establishment of the Equal Opportunities Committee gave effect to one of the four founding principles of the Scottish Parliament. Although the power to legislate on equal opportunities is reserved to Westminster under schedule 5 to the Scotland Act 1998, as the Procedures Committee knows, the Scottish Parliament has wide-ranging powers to encourage equal opportunities, to secure observance of the requirements of law and to ensure that Scottish public authorities do not unlawfully discriminate. That is a big responsibility for the Equal Opportunities Committee.

The Equal Opportunities Committee is one of the eight mandatory committees, the rules for which are set out in the standing orders. Those rules define equal opportunities broadly. The definition is far broader than is often the case in

other legislatures.

The remit was initially overwhelming for the committee. It was difficult to decide where to start. Therefore, in line with the consultative steering group's recommendations, we appointed four reporters to the committee to cover race, gender, disability and sexual orientation.

The responsibility and role of the Equal Opportunities Committee are explicit in the fourth CSG principle:

"the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all."

Furthermore, we feel that our work is implied in the third CSG principle:

"the Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation".

If the Procedures Committee examines the Equal Opportunities Committee's work with consultation and accessibility in mind, it will see that, in engaging translation and interpreting services and in consulting such a range of organisations, we have adhered well to the third CSG principle.

We should also remember that, to date, the phrase "equal opportunities requirement"—and all the legal weight that it carries—occurs in only three of the 27 acts of the Scottish Parliament: the Housing (Scotland) Act 2001, the Regulation of Care (Scotland) Act 2001 and the Standards in Scotland's Schools etc Act 2000. I am pleased to say that the Equal Opportunities Committee was involved in ensuring that the phrase was included in those acts. However, the difference between the contribution that the Equal Opportunities Committee makes and the changes that we want to bring about in the whole Parliament is a crucial issue for discussion. Although I will not reel off all the recommendations in annexe H of the CSG report and reply to them one by one, I am confident that the Equal Opportunities Committee has addressed many of them and that it is enough at this stage to consider the clear intent of the CSG report.

We need to examine what the Equal Opportunities Committee considers its role to be and what the other committees and the rest of the Parliament consider that role to be. The Equal Opportunities Committee is clearly intended to be a catalyst—an agent that provokes or speeds significant change or action. It was never intended to be the watchdog of the Parliament or to police other committees, which has tended to be how our role has been perceived.

The work of the Equal Opportunities Committee has always been the same as that of any other committee, but with the added element that we

help other committees to mainstream equality in their work. By "mainstreaming", we mean the integration of equal opportunities into all policy development, legislation, implementation, evaluation and reviews of practice. To be fair, on the intent to mainstream in the Scottish Executive, the Equal Opportunities Committee feels that most of the time it is pushing on an open door. The Executive has published its equality strategy, which the Equal Opportunities Committee refers to regularly. However, the devil is in the detail.

The task and approach of mainstreaming are mirrored in the work of other committees. The Finance Committee has done some very good work to ensure that subject committees consider financial implications as part of their work. The Finance Committee has also done quite a lot of work on gender in the budget process.

In the Scottish Parliament, we have a head start over other legislatures, so mainstreaming should be easy for us. We have the chance to learn from good practice in other areas. We have the clear steer that has been given to us by the CSG principles. We have the overarching legislation of the Scotland Act 1998 and explicit requirements to comply with the European convention on human rights. The status of the Parliament is a creation of statute and it is subject to compliance duties under the Race Relations (Amendment) Act 2000. There are equal opportunities statements in the policy memorandums to bills, for example.

The existence of the Equal Opportunities Committee and this committee's far-reaching inquiry contribute to our position as the leader in the field. Therefore, it is disappointing that we seem unable to get other committees to realise that we are not a watchdog but a catalyst for equal opportunities.

I will close with a brief summary of the Equal Opportunities Committee's current work load, which might be of interest. We have just agreed to publish a report on the race relations event that we held in the chamber on 14 September 2001. More than 100 people from ethnic minorities attended that civic participation event on the Race Relations Act 1976.

On 2 November, we will host a workshop on the committee's report on its inquiry into Gypsy/ Travellers and public sector policies. That report will be debated in Parliament in November. The workshop is to facilitate feedback on the report and the Executive's response, which we hope to have by 2 November. That will be the first time that there will have been such scrutiny and consultation on any Executive response.

We expect the first tranche of external research work on mainstreaming equality in mid-November. I know that the Procedures Committee is

interested in that. In the meantime, we are committed, as a minimum, to scrutinising all primary legislation in this year's programme. We have revised the questions for the equality checklist and this morning agreed the interim checklist, which will be published for consultation on the Equal Opportunities Committee's website.

That is all that I want to say at this stage. I am happy to take any questions. If anything else occurs to me, I will write to the committee.

The Convener: In the submission that you sent to the committee on 26 June, you indicated that you might be in a position at this stage to discuss the emerging findings from the Equal Opportunities Committee's work on mainstreaming, the report on which you mentioned at the end of your presentation. I think that you said that your report will now be made in mid-November and that it was slipping behind the original time scale. Are you in a position to discuss any of that with us or might we more fruitfully come back to you later on that?

Kate MacLean: We are not at a stage at which we could discuss that, but we will be able to return in mid or late November to discuss the report in full.

The Convener: We will take you up on that offer, one way or another.

The committee is now a bit depleted, due to clashes with other events, but I have no doubt that my colleagues will have many questions to fire away.

Mr McAveety: Kate MacLean mentioned the equality checklist. What is the Equal Opportunities Committee's view on monitoring the effectiveness of the checklist? Many of us have had experience of similar situations in local government. Are there any differences between how policy areas or departments respond to the checklist?

My experience in local government was that particular service areas were keen to implement an equal opportunities agenda but others did not understand it enough or were downright hostile to it. They were not publicly hostile, but could be hostile behind the scenes. A clear direction at committee or executive level was necessary to ensure the implementation of equal opportunities.

Is the checklist effective? Are there gaps in it that need to be addressed?

Kate MacLean: The conveners group approved the checklist some time ago. There has been no obvious hostility from committees to using it. It has been used to support the scrutiny of recent policy and legislation, such as the Housing (Scotland) Act 2001, the Convention Rights (Compliance) (Scotland) Act 2001 and the Regulation of Care (Scotland) Act 2001.

We have not yet monitored how effective the checklist has been. I get the feeling that, because it is an interim checklist, some of the committees are not taking it on board as much as they could. Many committees seem to be waiting for the research on mainstreaming.

Kay Ullrich (Deputy Convener, Equal Opportunities Committee): As Kate MacLean said in her introductory remarks, we are knocking at an open door. All the committees feel that the equality checklist and monitoring are very important. Nobody is balking at the checklist.

Mr McAveety: Are any committees telling you that although they agree with the principle of monitoring, their skills and knowledge in this area are partial and they would like more support?

Kate MacLean: Everyone agrees with the principle of equal opportunities. However, some members and committee still see equal opportunities as the responsibility of the Equal Opportunities Committee. Ideally, the Parliament would not need an Equal Opportunities Committee, because work on equal opportunities would be mainstreamed throughout the Parliament. We held workshops on mainstreaming, but they were not very well attended by members. The aim was to find out what support members felt they needed in this area. The Equal Opportunities Committee has a role in facilitating equal opportunities education and training for members, because the equal opportunities implications of legislation are not always obvious.

Mr Macintosh: My first question is about the workshops on mainstreaming. I speak as someone who wanted to attend those workshops, but was unable to. How many MSPs attended the workshops?

Kate MacLean: Four.

Mr Macintosh: Oh dear.

Kay Ullrich: Like Kenneth Macintosh, many members wanted to attend but did not.

Kate MacLean: When the research into mainstreaming is published, it will go out for consultation. We may consider holding further workshops, and there will be tools available to assist with mainstreaming. However, four out of 129 MSPs is not a good turnout.

Mr Macintosh: As I recall, the workshops were held on a Friday in the middle of a busy period.

You say that the role of the Equal Opportunities Committee is to act as a catalyst, not as a watchdog. Who is the watchdog? Is it the Scottish Executive equality unit? We all have the best of intentions, but who is monitoring the Parliament to ascertain whether it is effective in this area? I can

see that that is not the role of the Equal Opportunities Committee.

Kate MacLean: It is not the role of the Scottish Executive equality unit to monitor the Parliament. The equality unit works for the Executive and its work must be scrutinised. It should not be the Equal Opportunities Committee's role to monitor the Parliament, but at the moment we are doing that. It should be for equality organisations to ensure that we adhere to good practice in equal opportunities—they already do that to a certain extent. Amendments to legislation that the Equal Opportunities Committee proposes often come from the Commission for Racial Equality, the Equality Network or the Equal Opportunities Commission. The committee has not yet discussed designating an organisation to scrutinise the entire work of the Parliament.

Kay Ullrich: We are moving towards adopting a monitoring role. We have used our checklist to scrutinise legislation, but we must go on to monitor how that legislation is operating.

Mr Macintosh: Do you think that legislation is equality proofed by the Parliament?

Kate MacLean: When draft bills are published, they are supposed to have been equality proofed. However, we have had to lodge similar amendments to several different bills, which suggests that the message is not getting through. Committees should also do mainstreaming work when scrutinising legislation.

11:15

The Convener: A similar issue came up when the Transport and the Environment Committee considered sustainability. All bills are supposed to have been scrutinised for their environmental impact, but we had great difficulty in working out who carried out that scrutiny, what it consisted of and what criteria were used. Have you been able to identify the equal opportunities criteria that are being used, how they are applied and who is responsible for doing that?

Kate MacLean: The equality unit provides the relevant part of the policy memorandum to bills. The unit is responsible for equality-proofing legislation.

The Convener: Is that arrangement working satisfactorily?

Kate MacLean: It is obviously not working, as time after time we have to lodge similar amendments to legislation.

The Convener: What do you intend to do about that?

Kate MacLean: Mainstreaming is not just for committees, but for the Parliament as a whole. It

applies to all the Executive departments, every committee and every person who is involved in producing legislation, from the beginning to the end of the process. It is a huge job for the Equal Opportunities Committee to consider every piece of legislation. The committee has to decide where detailed scrutiny is required or whether a cursory glance will suffice. Sometimes we have to revise those decisions. Unlike subject committees, which deal with bills as lead committees and have more time to consider those pieces of legislation, we examine all legislation that comes before the Parliament. Because we have to feed into the deliberations of the lead committee, we have a much reduced time scale for scrutinising legislation and carrying out consultation. The committee aims to introduce mainstreaming throughout the Parliament, so that everyone is responsible for ensuring equal opportunities.

The Convener: Hence your description of the committee as a catalyst rather than a watchdog. There is some tension between those two roles. You want to move the agenda forward, but you do not want to be oppressive and interfering, or to get on other people's cases. That is a difficult job.

Kate MacLean: I have not encountered any hostility or animosity from other committees. They are happy when we report on specific pieces of legislation. We have arranged with other committees to take evidence jointly, so that we do not end up taking evidence from the same organisations. We agree on areas that we can deal with, which takes some of the weight off subject committees. Other committees are not reluctant to allow us to become involved, as everyone is in favour of equal opportunities. However, it would be easier if committees started to take the issue on board themselves.

Fiona Hyslop: I was a member of the Social Inclusion, Housing and Voluntary Sector Committee, which considered the Housing (Scotland) Bill in co-operation with the Equal Opportunities Committee. I know that the Equal Opportunities Committee is not supposed to be a watchdog, but I recall that it sent a member to some of our evidence-taking sessions. That served as a physical reminder of the Equal Opportunities Committee's existence. The stage 1 report that the Equal Opportunities Committee submitted on the Housing (Scotland) Bill also helped identify some of the main issues.

I invite our witnesses to say more about the Equal Opportunities Committee's approach to the Housing (Scotland) Bill, which is now the Housing (Scotland) Act 2001. I am concerned that the amendments that were lodged to the legislation ended up only inserting the term "equal opportunities" into the bill. Some of the important points that the committee raised at stage 1 about

16 and 17-year-olds and about how the right to buy would affect women did not come through. Because of the stage 1 reports that the Equal Opportunities Committee produces, there is awareness of such issues early in the legislative process, but by the time bills get to stages 2 and 3 there no longer seems to be committee ownership of the matters that were raised at stage 1. Could you reflect on the example that I have given and explain how the amendments to the Housing (Scotland) Bill relating to equal opportunities were produced? I think that the process was driven not by the committee, but by the Executive.

Kate MacLean: The Equal Opportunities Committee discusses the issues that arise from a bill and produces a report. The lead committee can either append that report to its stage 1 report or incorporate part of it into its own report.

No Equal Opportunities Committee amendments were lodged to the Housing (Scotland) Bill; the amendments came from individual members. If the committee had longer to scrutinise bills, we could lodge committee amendments. Committee amendments may have been lodged during scrutiny of the Standards in Scotland's Schools etc Bill, but no successful amendment to any bill has been a committee amendment. That situation could be improved, but only if the committee were given longer to scrutinise bills.

Fiona Hyslop: The most tangible effect on the Housing (Scotland) Bill, which was a major bill, came at stage 3, when equal opportunities were finally written into it—but only as a result of Executive action.

Kate MacLean: The Executive's writing of equal opportunities into the bill was also the result of a lot of lobbying behind the scenes by me, the Commission for Racial Equality and other individual members.

The Convener: Many of the responses that we have received suggest that one of the flaws in our procedure is the lack of time at stage 2 for debating amendments, considering implications, canvassing expert opinion and discussing issues in committee with a view to lodging committee amendments. Is that your feeling? Do the committees need more time to consider amendments to bills at stage 2?

Kate MacLean: That is a problem. The committee has repeatedly remarked that it does not have sufficient time to consult organisations. We could issue a report to a lead committee without being able to consult fully on the matter. The lack of time is a huge problem, which the committee has discussed.

Fiona Hyslop: It would be helpful if the lead committee's stage 1 report on a bill contained a list of equal opportunities flash-points or a warning of

areas about which the committee had concerns, rather than just the comment, "The bill has been equality-proofed by the Executive." For example, the Equal Opportunities Committee compiled a full report on the Housing (Scotland) Bill. It would be helpful at stage 2 to have such a checklist of specific concerns rather than general comments.

Kate MacLean: The lead committee's role is to consider all the evidence. Our report is submitted as evidence to that committee.

If mainstreaming existed in the Parliament, the lead committee would be able to take evidence from the organisations whose evidence informed our report and it would be able to come to those conclusions itself. Executive summaries of reports would make the process easier. The report on our Gypsy/Traveller inquiry included an executive summary. I know that such summaries make life easier for members who already have far too much evidence to read through. We could consider that suggestion.

The Convener: Professor David McCrone, our adviser, would like to pursue several issues with you.

Professor McCrone: It is nice to have this opportunity to learn more.

I have a general question relating to the interpretation of equal opportunities. The definition in the Scotland Act 1998 covers many different things. Is it your impression that certain social dimensions are better represented than others in the Parliament and that others are either downsized or play no part in the discussions? For example, let us say that gender issues are highly salient and that issues of age or religious beliefs are not. How does one keep all the balls in the air at once? Do certain issues come to the surface simply because there is greater awareness of them?

Kate MacLean: We are aware that, during the first two years of the Parliament, we have focused predominantly on issues of race and sexual orientation. Gender and disability issues have not really been covered by the committee. We have decided to address that by initiating major inquiries, over the next two years, into a gender-related topic and a disability-related topic.

Our work is guided by the legislative programme and by the organisations and individuals who contact us. The only major inquiry that we have conducted was begun as a result of somebody contacting the reporter on race issues relating to discrimination against Gypsy/Travellers. Some organisations have better networks, and there has been no legislation relating to issues such as sexual orientation. Such factors have governed the way in which we have operated over the first two years. The issues tend to be brought to the

committee. In drawing up our work plan, we have to consider suggestions that have been made by organisations and individuals as well as the legislative programme.

Kay Ullrich: We are limited by the definition of equal opportunities in the Scotland Act 1998. For example, there is no mention of carers or dependants in the Scotland Act 1998, yet they appear in the Northern Ireland Act 1998.

Professor McCrone: As you say, you are reactive—in the best sense—and wait for organisations to bring issues to you. However, I presume that there is not the same level of organisation regarding certain social issues, such as age. I am not thinking about older people, who may be better organised than younger people, but one would be hard pushed to find an organisation representing younger people, for example, or one representing religious beliefs. What organisations would one look to on those issues? Would it depend on a specific issue arising?

Kate MacLean: Our work depends on issues that are raised. We have a database of around 600 different organisations and it is not only the usual suspects who are contacted. We consult a wide range of organisations.

Religious beliefs come under the remit of the race reporter. One of the committee's big successes was amending the Census Act 1920. Following approaches from organisations that were concerned about religious discrimination, we persuaded the Executive to introduce a bill to amend the act.

Kay Ullrich: We also issued a statement on the negative impact on equality of the Act of Settlement.

Professor McCrone: If there are groups of people who are not well represented—if they are represented at all—how can one include them to prevent mainstreaming from becoming narrowly defined by certain issues or groups?

Kate MacLean: That is very difficult. We are a white Parliament and no members have obvious disabilities. Early on, we discussed the possibility of permanently co-opting people on to the Equal Opportunities Committee to represent unrepresented or under-represented groups. However, the Scotland Act 1998 does not allow us to do that. We can appoint advisers on specific issues, but we cannot co-opt such representatives on to the committee. If the Scotland Act 1998 were to be reconsidered, we would make representations to Westminster to have it amended to address that.

The Convener: Have you found any scope for using a panel of advisers to give you that input?

Kate MacLean: So far, we have not used a

panel of advisers. Each of the reporters meets a wide range of organisations and returns to the committee with issues of concern. The committee as a whole does not have the time to consult on that level. Nonetheless, we have not felt the need to appoint a panel of advisers on any issues so far.

The Convener: From that contact and from the 600 organisations on your database, do you get a clear picture of what the equal opportunities issues are for the people of Scotland? Are there any salient points that you would like to consider?

11:30

Kate MacLean: It is different for different groups. Black and ethnic minority people are discriminated against in different ways from women or people with disabilities. It is difficult to say that the issues have a theme. The one theme that runs through the representations that organisations have made to us is the lack of disaggregated data for Scotland about specific groups. It is hard to find out what the inequalities are, because we do not have detailed information about different groups. The committee wanted changes to the census so that we could find out where discrimination takes place and tackle it.

Fiona Hyslop: The Equal Opportunities Committee has appointed four reporters. David McCrone made the point that a wide range of issues must be addressed. What led you to appoint reporters in those four areas? How do you compensate for the fact that many minority groups are not represented by those areas so that you ensure that you keep pace with the issues that concern them?

Kate MacLean: We considered the definition of equal opportunities in the Scotland Act 1998 and felt that those were the four main areas that no other committee would cover. We felt that the Social Justice Committee might cover matters such as social origin. Religious belief is included in the remit of the race reporters. Were a specific issue to arise in relation to a group that is covered in the Scotland Act 1998, we could appoint a reporter on the matter.

We felt that the four areas broadly covered the main work in which the committee would be involved and that has been the case to date. We have not had representations from groups that feel that they are not covered by the committee.

Mr McAveety: One of the points that emerged from the consultation on the implementation of the CSG principles in the Parliament is that the responses from the public on equal opportunities are relatively thin compared with those on other key principles of the Parliament. Is that because of a lack of precision in the language that is used or

is it because of people's awareness of the issues and how they relate to equal opportunities?

You mentioned that there are 600 organisations on the database. How do we define the "usual suspects"? They seem to be maligned—every committee says that the usual suspects make the contributions. How do we reach beyond those organisations?

Do we compare ourselves to other Parliaments? What messages do we get from that? The problem I have with the CSG principles is that there are not enough comparisons to enable us to adopt good practice from elsewhere in the world and share it.

Kay Ullrich: It is worth noting that not everyone who attended the recent race relations event that we held in the chamber was from an organisation. I was pleased that a number of individuals were there. We are meeting members from other equal opportunities committees in other countries. We have trips planned to Cardiff, London, Dublin and Belfast. Kate MacLean will be able to say more about that, as I have not been on the committee for that long.

Mr McAveety: I asked about that because we have mentioned international comparators in previous discussions. It is a good idea for people to do what I call study audits. It would be helpful to receive documentation that gives an overview of what other legislatures do and what we are doing and which points out aspects that we could expand on or areas that we have not considered before.

Kate MacLean: May I ask Richard Walsh to come in, convener?

The Convener: Yes.

Richard Walsh (Scottish Parliament Directorate of Clerking and Reporting): The research that we have been doing, which will not be ready for publication until mid-November, includes a literature review of published documentation on a national level. Our researchers have followed that up with a number of e-mail questionnaires to named offices and individuals in other legislatures abroad. I will run through the list. The research includes: Finland; Canada—the Canadian House of Commons and Senate; the Belgian advisory committee on equal opportunities between men and women; the National Assembly for Wales; the Northern Ireland Assembly and the Joint Committee on Human Rights, to which Kay Ullrich alluded; the Australian Senate; Denmark; and the Canadian legislatures in Alberta, Quebec, Newfoundland and Saskatchewan.

Mr McAveety: You have done well. That is enough; I have got the message.

Richard Walsh: There is a large body of

information out there. It is so vast that it has taken a specific literature research to review it.

Mr McAveety: For those, such as me, who are minimalist readers, could that be pulled together into two or three pages that cover the key points and put down some markers? That would enable us to map out where we need to go on some of the issues.

Richard Walsh: The committee has indicated that although a full and substantial body of research, plus an executive summary, will be produced for people to read, the idea is also to produce a model with a few bullet points to show the criteria.

Kate MacLean: All that contact was not a precursor to going on fact-finding missions to all those places.

On Frank McAveety's first question about the usual suspects, in any subject—but particularly in equal opportunities—there are big, mainstream organisations that the Scottish Executive and other people consult. The committee believed that it was important to consult grass-roots, community-based organisations on equal opportunities issues. Sometimes their views are very different from those of the larger organisations.

On people's perceptions of the Equal Opportunities Committee, when there was talk some time ago of possibly abolishing the committee, we were inundated with letters of support from organisations throughout Scotland. That is an interesting insight into how much people value the committee, which has not been around for very long.

Fiona Hyslop: When we consider the CSG principles, it is interesting to remember that a proposal was on the table—perhaps not overtly—to abolish the Equal Opportunities Committee or merge it with another committee. What reaction did you receive to that proposal from within the Parliament?

Kate MacLean: From other members?

Fiona Hyslop: Yes.

Kate MacLean: There was quite a lot of support for keeping the Equal Opportunities Committee. Members realised that although at some time in the future it might be possible not to have an Equal Opportunities Committee, we are not yet far enough down the road of mainstreaming equal opportunities. Perhaps members did not want to have to examine equal opportunities on their own committees. There was quite a bit of opposition to abolishing the committee within the Parliament and there was a huge amount of opposition to it outright the Parliament.

Fiona Hyslop: Was that opposition to abolishing the Equal Opportunities Committee communicated to the powers that be?

Kate MacLean: There was a lot of contact directly with them.

Mr Macintosh: Professor McCrone asked about how well the Parliament—not just the Equal Opportunities Committee—reaches out to the wider public. There is a debate about whether we hear only from the “usual suspects”, to use that expression again.

One of the CSG principles is sharing power and another is equal opportunities. You may not have any hard information from monitoring, but do you have anecdotal information that would help us to conclude whether we are addressing those principles adequately? The Parliament has made a number of strides forward on equal opportunities. Are there ways in which we could improve? Is there a perception that we are not reaching certain sectors of the public and that we are not giving the public equal opportunities?

Kate MacLean: I cannot think of any examples of our not reaching out to the public. Perhaps the member has some, given that he asks the question.

The Convener: Was there an opportunity at the recent race relations event, for example, to get feedback from people about how they see the Parliament? Is it accessible to them? Do they think that it responds to their concerns? John McAllion told us that there has not been a single petition from someone from an ethnic minority. Is that because people from ethnic minorities do not know about that mechanism or because they know about it but do not rate it? Are their concerns and complaints more substantive? Are petitions too trivial a mechanism? There does not seem to be a dialogue between the ethnic communities and the Parliament. Is that your view?

Kate MacLean: Our committee has a lot of contact with people from minority ethnic communities and I am asked to go along and speak at various events. Many people view the Equal Opportunities Committee—as opposed to an Executive department or minister—as the first point of contact for equal opportunities. At the race relations event, people were pleased that individuals were able to nominate themselves for invitation. Some of the feedback indicated that the Equal Opportunities Committee is doing a lot of good work. However, some people will not even know about it. It is the same with any committee or department.

Kay Ullrich: The race relations event was the first time that a member of the Lithuanian community had ever come to a parliamentary event. That is just an example.

Kate MacLean: We find that people from minority ethnic communities do not access a lot of the services and do not use a lot of the routes used by other sections of the community.

The Convener: Is that because they have other, more focused ways of pursuing the issues that concern them?

Kate MacLean: I do not think so, but they may feel that there are barriers, which may be linguistic. We have tried to address that. When we discussed the thematic report on the police, Punjabi interpreting and translation facilities were available in the Parliament and on the web. We try to ensure that the Parliament is as accessible as possible.

People from minority ethnic communities do not always access health, education and employment in the same way as people from other communities. It is about breaking down discrimination, including institutional discrimination, so that people access institutions and feel ownership in the same way as other people.

The Convener: I somewhat hijacked Kenneth Macintosh's question. Do you want to continue?

Mr Macintosh: To respond to Kate MacLean, I did not have any examples in mind.

A number of ethnic groups clearly look upon the Equal Opportunities Committee as a tool that can be used to access the Parliament and access power. Is that reflected among disabled groups? Do they look to the Equal Opportunities Committee or the Parliament to offer them a step forward, or do they consider it a barrier?

Kate MacLean: Most groups that work in the field of equality find that the Scottish Parliament has improved their access to legislation and opportunities to have their voice heard. The Equality Network produced a 1999 election manifesto for the Scottish Parliament. Everything in that manifesto has been delivered—although I am sure that the organisation will have a new manifesto now.

I think that people do see an improvement. The uproar at the talk of abolishing the Equal Opportunities Committee indicates that people see it as relevant. I am not sure that everyone would want to access the committee, but I think it is as accessible as or more accessible than most committees of the Parliament. Groups feel comfortable with the system of reporters; they feel that they get a lot of access to MSPs and that their opinions are being fed into the committee's work.

Mr Macintosh: I am conscious that the internal structure of the Parliament and our own attitudes towards equal opportunities could be improved. When working recently with another committee, I

was involved in interviewing applicants for a post. We did not have one woman applicant. That is a reflection of how we advertise posts as much as anything else.

Does the Equal Opportunities Committee have the opportunity to question the Scottish Parliamentary Corporate Body about its role? The Finance Committee, of which I used to be a member, has the chance to question the SPCB on its budget. Does the Equal Opportunities Committee have the opportunity to question the SPCB on its contribution to equal opportunities and how it implements relevant policies?

11:45

Kate MacLean: Yes. The observance of equal opportunities within the Parliament is within our remit and the SPCB, with my involvement, has appointed somebody to produce an equal opportunities policy. That policy will cover the work and staff of the Parliament, how the Parliament operates and how it deals with members of the public. We will shortly have a policy on that and it will then be up to all MSPs, not just members of the Equal Opportunities Committee, to ensure that the policy is adhered to.

Mr Macintosh: Does that mean that the Parliament is to have an equal opportunities officer?

Kate MacLean: That is still under discussion and was covered in our report.

Mr Macintosh: I think that question stemmed from a comment on the CSG principles by the Royal National Institute for Deaf People, which said that a disability rights and equal opportunities officer should be appointed. It would be interesting if a proposal to appoint one was on the table.

Kate MacLean: The report will be discussed by the Parliament in due course. The question of whether to have an equal opportunities officer or other people with responsibility for equal opportunities in different directorates or offices has been discussed.

The Convener: Is there anything that David McCrone wanted to cover that we have not touched on?

Professor McCrone: No, although I would like to pick up on Ken Macintosh's point on the vexed issue of cross-indexing equal opportunities and whether we consider ethnic minorities times gender times age and so on. That method becomes horrendously complicated. The interactions between the different dimensions give rise to many issues. For example, if a woman or a young person is being sought, that is fine, but if we have to splice things together, it becomes impossible, or at least difficult.

Kate MacLean: Indeed—we might have an elderly Asian woman, for example. We need to consider what we need to achieve, which is equality of opportunity, rather than breaking down types of people into compartments. If there are barriers to equality of opportunity, we can consider how to deal with them issue by issue.

Kay Ullrich: Particular multiple problems to do with elderly people's access to community care or young people being discriminated against at school emerged during our Gypsy/Traveller inquiry.

The Convener: Does Kate MacLean have anything else to raise?

Kate MacLean: I do not think so, but I would be happy to come back to the Procedures Committee—in November or whenever it suits—once the report on the mainstreaming research is available. That is the whole point of the CSG principles on equal opportunities.

The Convener: We would be very interested to consider that report and to cross-reference it with our work.

I thank the convener and clerks of the Equal Opportunities Committee and members of the Procedures Committee for their attendance.

Meeting closed at 11:48.

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