PROCEDURES COMMITTEE

Tuesday 23 October 2001
(*Morning*)

Session 1

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PROCEDURES COMMITTEE
9th 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:

Ken Hughes (Scottish Parliament Directorate of Clerking and Reporting)
Murray McVicar (Scottish Parliament Information Centre)

WITNESSES

Simon Braunholtz (MORI Scotland)
Mark Diffley (MORI Scotland)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

ASSISTANT CLERK

Katherine Wright

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 23 October 2001

(*Morning*)

[THE CONVENER *opened the meeting at 09:33*]

Consultative Steering Group Principles

The Convener (Mr Murray Tosh): Welcome to the ninth meeting this year of the Procedures Committee. Our agenda today is relatively short and straightforward; the major part is a presentation from MORI Scotland, the external research consultants, on the consultative steering group principles inquiry. For the presentation, we are joined by Simon Braunholtz, Mark Diffley and Barry Stalker from MORI Scotland and by Murray McVicar from the Scottish Parliament information centre.

Mark Diffley (MORI Scotland): I will give an outline of our research before handing over to Simon Braunholtz, who will talk through some of the results. I will then talk through the research design, which included research on members of the Scottish Parliament, members of the public and staff at the Scottish Parliament. That will be followed by a brief look at some of the recurrent themes and at what emerged from the study. Simon Braunholtz will then look in detail at the four CSG principles and I will close the presentation with a summary.

The design of the research into the views of members of the Scottish Parliament was split in two. The initial study was a self-completion questionnaire, which was sent to all 129 MSPs, initially via an internal e-mail and subsequently by post. Of the 129 questionnaires that were distributed, 52 were returned to us. That equals a response rate of 40 per cent.

The second part of the MSP study was a more qualitative project in which we undertook 14 qualitative semi-structured interviews. We selected 14 MSPs to provide a wide cross-section of gender and party. We excluded committee conveners, CSG members and Executive ministers. The majority of the interviews were conducted face-to-face by experienced MORI qualitative interviewers. Two interviews were done by telephone, as the MSPs concerned were unable to keep their appointments because they had to be in their constituencies. MORI devised a discussion guide for the interviews, which was agreed in advance with SPICe. All the interviews were tape recorded and transcribed verbatim at a later date. The interviews were made on a strictly confidential and anonymous basis.

The second strand of the project was research among the general public. That was also qualitative research, which was conducted as group discussions among members of the public. We chose three locations for those discussions: Jedburgh, Dunfermline and Kingussie. Two discussions were conducted in each of those three places, which were chosen to cover the central belt, southern Scotland and the north of the country. People were selected for participation based on a range of ages and social classes.

MORI Scotland was responsible for recruiting people to participate in the groups. The recruitment took place between 2 and 16 August. The group discussions took place slightly later than that—at the end of August. MORI Scotland again devised a discussion guide, which was agreed in advance with SPICe. Discussions were held in evening sessions in local hotels in the three areas. The discussions were recorded and transcribed verbatim.

The third part of the project was a self-completion questionnaire that was sent out to all 427 Scottish Parliamentary Corporate Body staff. It was sent out by e-mail and responses were sent back in the same way. We received 230 questionnaires back—a 54 per cent response rate.

I shall now hand over to Simon Braunholtz.

Simon Braunholtz (MORI Scotland): I shall talk briefly about recurrent themes that emerged from the research, before speaking in more detail about specific aspects of the four guiding principles.

As one would expect, there was a partisan divide in the views of members of the Parliament on a number of the issues that were raised when we discussed the principles. In both the quantitative and the qualitative work, that partisan divide was apparent in relation to the application of the accountability principle, but less so in relation to the principle of access and participation.

The conclusions that we are able to draw from the qualitative work that we conducted among the general public are fairly broad. That work did not produce statistically robust information and we would need to back it up with a larger survey if we wanted that. However, we have interpreted the findings of the qualitative research and are providing the committee with the conclusions that we have drawn from it.

There were about nine people in each of the six focus groups that we conducted, so you can work out for yourselves how many people we spoke to,

but it is our view that they were broadly representative. On that basis, we have concluded that there are very low levels of knowledge about and familiarity with the Parliament among the general public at present. That has a profound impact on people's ability to comment sensibly on the specifics of the principles. In some respects, however, the Parliament does not appear so far to have met the very high expectations that the public had of it when it was established. I am sure that some of those messages will not come as a surprise, but it is worth mentioning that at this point.

Of the areas that we examined, the one that appears to be viewed most positively is the committee system. Among members, there is a partisan divide as regards some aspects of the committee system's working, but it is generally seen as a success by those who work in the Parliament—staff and members. As I said, members of the public feel less confident about commenting on that, so one cannot draw firm conclusions about where they stand on the committee system at the moment.

09:45

We asked members to tell us to what extent they felt that each of the four principles was working well. In assessing the 52 responses that we received from members, we grouped together the two points on the scale that we offered to say that it was operating well and the two points on the scale to say that it was not operating well. The responses show that there is a hierarchy, with members believing that the access and participation principle has been applied most successfully, followed by the accountability principle, the equal opportunities principle and, lastly, the power-sharing principle.

I shall talk about each of those principles in more detail in a moment, but first let us look at the figures for the proportion of respondents who say that they feel that each principle is operating well. You can see from the table that 58 per cent of MSPs believe that the access and participation principle is working well; that 50 per cent believe that the accountability principle is working well; that 37 per cent believe that the equal opportunities principle is working well; and that 33 per cent believe that the power-sharing principle is working well.

We can set those figures alongside an analogous, but not identical, question that was asked of members of staff. It is interesting to note that the responses showed a similar gradation of views on how well each of the four principles is working, with the exception that members of staff are more likely than members of Parliament to feel that the equal opportunities principle is working well. That is almost certainly because staff feel more familiar with the concept of equal opportunities, particularly as it relates to them in their work, and the data to which I shall refer in a moment bear that out. Some members of staff will feel that the other principles, although they are central to the workings of the Parliament and to the way in which it interacts internally and with those outside, are less pertinent to them in their work.

Let us look specifically at power sharing, the principle that members feel is operating least successfully. According to members of staff and members of the Parliament, the key strength is the committee system, particularly when committees are considering reports on the Executive and conducting inquiries into issues raised by the Parliament. However, there is criticism—this is where the partisan divide comes in—of the amount of time that the committees are given to consider their business and of the extent to which they appear to be taken seriously by the Executive. A weakness of the committee system, which could be a unique strength of the Parliament, is that the general public know little or nothing about it.

In a moment, I will show the committee some of the comments that members of the general public made in the focus groups. There was generally one person—sometimes none, sometimes two—in each focus group who knew a fair amount about the Parliament. Those people may have been in touch with the Parliament, been involved in a petition or accessed the website. Generally, however, people have not done those things, and the broad sweep is therefore that they know little or nothing about the committee system.

An Opposition member said:

"Committees perform well at scrutiny of legislation",

but said that the system has not been so strong

"in terms of non-partisanship".

The Convener: I would love to know what committee that member was on.

Simon Braunholtz: Aha! That will not be revealed.

Mr Frank McAveety (Glasgow Shettleston) (Lab): This may be a facetious question, but were there differences in how committees viewed those processes? Has your research been detailed enough to cover that?

Simon Braunholtz: We would love to have been able to examine that point in detail. The problem is that there are so many committees that it is difficult to analyse the number of members in our sample who are on each committee. We can analyse the responses by membership of the

coalition and the Opposition, and by a number of other variables, but that takes us down to a sample that is too small in number to analyse effectively.

We studied reactions to specific aspects of the committee system and MSPs' views on whether it is operating successfully. As in the previous charts, there is a clear hierarchy. Members feel that the committees work well when looking into issues raised by the Parliament. Very few MSPs demur from the position that committees are operating successfully, or at least reasonably well, when considering and reporting on the Scottish Executive. Only 4 per cent of members said that the committees had been unsuccessful in that respect. Other aspects of committee work, particularly initiating legislation—arguably one of the committee system's unique characteristics—have been less successful, according to members.

If we analyse the results by membership of coalition and Opposition parties, we begin to see what a difference there is between the views of those groups. The 52 MSPs who took part in the survey were roughly split down the middle between the coalition parties and the Opposition parties. We are therefore talking about small numbers. However, because those small numbers are drawn from quite a small universe, the data are more robust than they would be otherwise. If a sample of 24 or 30 people is drawn from the general public, there are wide margins of error, but if the sample is drawn from a small universe, the margins of error narrow and we can be a bit more confident about the robustness of the data, especially in drawing comparisons between groups. We can confidently say that the views of coalition and Opposition members differ radically concerning the success of committees' inquiries into issues that have been raised by Parliament.

The Convener: There is an alarming disparity between the two figures at the top of the graph. From your structured interviews, would you say that that reflects a frustration that the committees do not have enough time to investigate issues, rather than a sense that they cannot inquire and get answers?

Simon Braunholtz: A lot of the concern is about time. No consistent view was received about committees' not being able to get answers. Some themes came through about the kind of answers that ministers and the Executive give, but you are right to say that the problem may concern the amount of time that committees are given. That view is clearly held more strongly by Opposition members than by those in the governing parties.

Still on the theme of power sharing, although on a different aspect of it, a less glowing report was given of the Parliamentary Bureau by staff and especially members. There is a driving dissatisfaction among Opposition members about the way in which committees are set up and their remit and membership. In spite of those anxieties, the committees are viewed favourably, whereas the bureau is regarded as being perhaps too much under the Executive's influence. The bureau has been successful in proposing the business programme. Nevertheless, a coalition member said that

"the Executive has most of the power in the Bureau … they can determine the agenda to an extent. The agenda is sometimes irrelevant to the Scottish people."

Mr Kenneth Macintosh (Eastwood) (Lab): You say that the concern over the bureau was a driving dissatisfaction with the committees. Did that view emerge from members' responses? Did it come out of the interviews or did you ask a series of five or so questions, of which that was the most prominent?

Simon Braunholtz: The quantitative questionnaire contained detailed questions; some themes also came through in the qualitative work. The view emerged from both. The questions were designed to establish relative levels of satisfaction with the different aspects. We address that in more detail in the report.

Mr Macintosh: Did the transparency of the bureau's work emerge as an issue?

Simon Braunholtz: No, not in those terms.

Let us move on to the issue of the Presiding Officer. Strong support was expressed for the Presiding Officer—not in a personal capacity, although I am sure that support exists in that capacity as well. We were anxious that people should respond to questions about the Presiding Officer in terms of the position rather than the individual, so we were relieved that people seemed to rise above personal politics and responded in the way that we wanted them to.

The responses supported the Presiding Officer's essential role in ruling on standing orders, chairing Parliament and representing Parliament to bodies elsewhere. However, it may not come as a surprise that the issue of the Presiding Officer's casting vote was contentious. That appeared to be the only difficulty. An Opposition member described the Presiding Officer as

"very significant—a symbol of authority and very important for the whole Parliament".

I could cite a series of such favourable views of the Presiding Officer. However, the view was also expressed that

"the Presiding Officer must not end up reinforcing the status quo of the Executive dominated agenda. There is a danger that they fall into the trap of protecting the Exec too much".

It is interesting to note those different views, both of which were expressed by Opposition members.

I now move on to the petitions system. In our research, we examined several issues surrounding the power-sharing principle. I shall spend some time on the subject to give the committee a flavour of that work. The petitions system was widely regarded as a good mechanism; most respondents thought that petitions were dealt with efficiently. I have amended the wording that I used originally in this presentation to say "efficiently" rather than "effectively". Although people felt that the petitions system was set up well and worked well as a procedure, doubt was expressed about whether it was effective in delivering the goods. Whether it could always deliver the goods is another matter; however, concerns were raised about it.

There was little awareness of the petitions system among the general public. People were familiar with the term "petition", but not specifically in relation to the Parliament. One or two people in the focus groups who had participated in the petitions system expressed anxiety that the outcomes were perhaps not what they had hoped for. That theme was consistent throughout all the groups.

The survey showed a substantial division of opinion between Opposition and coalition members on whether enough time was allocated for business. Although nine out of 10 coalition members who responded were pretty happy that enough time was allowed to non-Executive parties to initiate business, Opposition members were not so sure—only one in 10 of them thought that enough time was allocated. There is a nice symmetry in those results. As I said, the committee system is well liked, although there is some anxiety about the time that committees are given in which to pursue their work.

We asked staff how familiar they felt with the power-sharing principles. One of my anxieties was that, although they worked in the organisation, staff might not know enough about the principles that we are trying to establish. Fifty-six per cent of staff respondents said that they had heard of the power-sharing principle. It should be borne in mind that the questionnaire was a self-completion one and that we told respondents what the power-sharing principle was—they were able to read our definition and think, "Yes, I am aware of that." Nevertheless, 12 per cent said that they were not aware of the principle. Fifty-two per cent said that they understood it, which is good. However, only 24 per cent said that, as far as they were aware, the power-sharing principle was being applied in the Parliament. Although only a small number of staff respondents—14 per cent, or one in seven—said that they did not think that the principle was being applied, the results are not a shining endorsement of the staff's awareness and understanding of it as something that is being applied in the Parliament.

10:00

The public have limited understanding of the specific mechanisms that allow the power-sharing principle to operate. The more knowledgeable members of the public—those who go out of their way to follow what the Parliament is doing, who read reports in the papers, who listen to the news and who may even stay up to watch "Newsnight"—take a more positive view. They are the real enthusiasts and they think that the Parliament is attempting to address the important issues. A woman from Dunfermline who follows developments particularly closely felt that members must be addressing the issues that are important because if they were not

"they wouldn't be doing their job".

A woman in another focus group said:

"I think a lot of good stuff is discussed … but it is the executive who decides whether it goes out or otherwise".

Even among the general public, who are further removed from the mechanics of the process, some people hold such views. We do not want to be swayed too much by the views expressed by one person, but those are the views of someone who follows developments in more detail than most members of the public do.

The second principle that we asked about was the accountability principle. Let us consider how well MSPs feel the accountability principle is working. I want to concentrate on the difference in views between coalition members and Opposition members. Three quarters of coalition members—73 per cent—say that the system is working well, whereas a quarter say that its performance is average. None of them says that the accountability principle is not working well at all. Only a quarter of Opposition members say that the accountability principle is working well. Nearly four in 10 say that it is not working well at all.

For the public, accountability equals elections. It is difficult to get people to see the principle being expressed in any other way. There is scepticism about the accountability principle. In focus groups it was relatively hard to get members of the public to view the new Scottish Parliament as radically different from other elected organisations. They tended to refer to the Westminster model. When taking a view on the Parliament, people bring with them the baggage of their views on Westminster. It was difficult to draw people away from that and to get them to focus on the Scottish Parliament. All members will be familiar with the complaint that people see them only when there is an election. Such views are still being expressed and it will be a battle to overcome that perception of the way in which the accountability principle works. People

think that accountability is about elections. At the moment, Westminster has a problem convincing the public that it is accountable.

The public differentiate very little between the Parliament and the Executive. There is a low level of understanding of the processes and machinery of governance in the Scottish Parliament. However, from what members have said we can investigate in more detail how well the Parliament and its committees can hold the Executive to account. A coalition member observed:

"Executive power can override the views and interests of the people and the Parliament".

Concerns about the power of the Executive are still being expressed.

Eight in 10 coalition members say that they are happy with the way in which the Parliament can hold the Executive to account and that they think the process is working well. However, only one Opposition member in four agrees. One mechanism that members feel is working well is that for debating committee reports. On that, there is relatively little disagreement between coalition and Opposition members. There is also satisfaction with the mechanism for questioning ministerial statements, although on that there is a large gap between the views of coalition members and those of Opposition members. There are concerns about the quality, depth and thoroughness of ministers' responses to questions. Members are less happy with other mechanisms, such as votes of no confidence, general debates, oral questions to ministers and the budget process.

The Convener: Did you detect significant differences between the views of coalition members and those of Opposition members on the four mechanisms that you just mentioned?

Simon Braunholtz: Yes. Those differences are mainly responsible for driving down levels of satisfaction.

The Convener: I asked that question because many committees have expressed anxiety about the way in which budgets have been handled, about the information that has been made available and about the time that they have been given. I would have thought that the gap between the views of coalition and Opposition members would be much narrower on such issues and that those issues would be matters of general concern. However, you are not finding that.

Simon Braunholtz: We will review our findings to establish whether what you have suggested is the case.

Donald Gorrie (Central Scotland) (LD): Convener, I am afraid that I must leave to assist with the budget process. The Finance Committee is going to be beastly to some civil servants and I cannot miss that.

Simon Braunholtz: One member complained that there was not enough debating time and that debates ended up consisting of "quick pre-prepared speeches". Another argued that better written answers

"would aid the accountability procedure".

A third complained:

"There is too much posturing and theatre in Question Time".

Another member said that members had plenty of time to ask questions, but was not sure whether the quality of answers was up to scratch. A fairly consistent picture is coming through from both coalition and Opposition members.

Members consider that in most respects the committee system is succeeding in holding the Executive to account, taking evidence from society and the Executive, initiating inquiries, developing policy and amending legislation, despite the fact that committees have only a short time in which to do those things. Committees have been less successful in carrying out the budget process and in retaining their independence from the Executive. Failure to ensure that European Union legislation is enacted was also identified as a weakness. I am not sure whether that is an issue that needs to be addressed or whether the implementation of European legislation has simply not been a prominent feature of the Parliament's work.

Staff tend to think that the committees have been quite good at holding the Executive to account, but they are less sure that the public have been able to hold the Parliament to account. The next table illustrates the familiarity of staff with the accountability principle. The figures for staff awareness and understanding of the accountability principle are rather higher than the corresponding figures for the power-sharing principle. The same applies to the figures for staff views on the application of the accountability principle. Forty-three per cent of staff say that the accountability principle has been applied well.

The Convener: Were staff distinguishing between the Executive and the Parliament?

Simon Braunholtz: I refer to the specific question that was put to them. They were asked about the Parliament, rather than about the Executive.

The Convener: When they gave their answers, were they thinking about the whole system or were they cleanly extracting a view on whether the Parliament is accountable?

Simon Braunholtz: Their focus would not have

been specific. They would have been considering broadly whether the accountability principle seemed to be operating in the Parliament.

The Convener: If their view is that the Executive and Parliament are like the Government and the Westminster Parliament, their response might have been critical less of the Parliament than of the political system. I am trying to understand what the staff were thinking.

Simon Braunholtz: We found that, although only 43 per cent of the staff agreed that the accountability principle works well, only one in 10 said that they did not think that it works well; a lot of them said that they did not know. That appraisal is not terribly critical. Staff tend to feel that they more or less know what the principles are and that they more or less understand them. However, they are in a weaker position in commenting on whether the principles have been applied: we got a lot of "don't knows". That happened with the accountability principle, which is why the figure for the application of the principle is lower. Perhaps the figure we should consider is the 11 per cent of staff—quite a low proportion—who do not agree that the principle works well.

We did not probe specifically on the role of the media in the accountability principle, but that role came out in the focus groups and the interviews with members. There is recognition that the media have their own editorial stance. The fact that they need to sell newspapers and to have lively stories means that they have their own agenda and so cannot necessarily be relied on to give a balanced view of what happens in the Parliament.

Members have different views on the impact of that. Opposition members and supporters of the Opposition whom we spoke to in the focus groups were more likely to say of the media's role, "It gees things up a bit—it keeps the Executive on its toes and it is all fine and good." Supporters and members of the coalition tend to feel that the relationship between Parliament and the media is destructive and does not help to spread the word about the Parliament's good work. Clearly, members view the media differently, which is not hugely surprising.

I particularly remember a focus group that I conducted in Jedburgh. One person was clearly a keen consumer of news about the Parliament; he stayed up to watch "Newsnight" and he watched the Parliament programme on Sunday. He devoured the information and so was incredulous when others in the focus group said, "They don't do anything to tell us what they are doing. We don't know what they are up to." He could not believe that because everywhere he looked he saw news about the Parliament. The other people in the group were exposed to the same media, but the majority of them felt that there was little coverage of the Parliament.

People like the theory or principle of accountability, but they are concerned that elections are the only way in which they can express their opinions and hold politicians to account. They are uncertain about how the Parliament can be held to account and about whom to go to to complain. Their views are not exactly cynical and, to an extent, they are formed against a background of experience of other elected bodies. As I said, the Parliament must get over the hurdle of the public's perception.

The third principle is access and participation. The question was how successful the Parliament is in promoting the principle of access and participation. When we consider the responses by party, we find less of a difference between Opposition and coalition members. Two thirds of coalition members and half of Opposition members feel that the access and participation principle works well. Eight per cent—around one in 10—of coalition members and a quarter of the Opposition members feel that the principle does not work well. Opposition members are more critical, but the difference is not as great as it is on other principles.

10:15

Three quarters of members of staff are aware of the principle, seven in 10 say that they understand it and half feel that it has been applied successfully. One in 10 feels that it has not been applied successfully. Around one in 10 says fairly consistently that the principles are not being applied successfully, but four in 10—a large proportion—say that they do not know.

Members consider access and participation to be the strongest aspect of the Parliament's performance. That applies particularly to the public's ability to influence and gain access to debates, but less so to the adequacy of consultation and opportunities to participate in debates. The public's view on the principle contrasts starkly, which is ironic. There are low levels of knowledge, but the public's perception is that the Parliament is not hugely open and accessible. The public do not know much about the travelling committees and there is a sense—even among people who know about them—that committees are closed. Staff, too, feel that the Parliament falls down on consultation and on giving people an opportunity to participate.

Members view the committee system as open and accessible and believe that the Parliament does well in that. The difficulty for the public is that the low level of knowledge and awareness forms a barrier before they even start to participate in the process.

Fiona Hyslop (Lothians) (SNP): I have a question about the staff's feeling that the Parliament falls down in relation to consultation. The matter comes down to what the Parliament—as opposed to the Executive or the committees—can consult on. Will you elaborate on that?

Simon Braunholtz: One of the themes that emerged from the staff is that they feel that the committees should go out more to other parts of Scotland.

Fiona Hyslop: Did they mean the committees?

Simon Braunholtz: Yes. I would need to look in more detail at some of the other aspects of the responses to that question, but staff said that committees could become more accessible by travelling out of Edinburgh. Members, too, feel that the committees should hold more meetings outside Edinburgh.

I turn to specific aspects of the access and participation principle. Half of members agree that it is relatively easy for people to influence the Parliament. However, there is a significant variation between coalition members—two thirds agree—and Opposition members, of whom only one third agree that that is the case. The gap is narrower on whether the Parliament observes acceptable hours of business. The same pattern came through from the staff responses, among which there was broad agreement that the Parliament observes acceptable hours of business.

There is a difference of opinion on whether the Parliament consults the people of Scotland sufficiently. Although four in 10 members agree that that is the case, there is a substantial ratio of difference of 2:1 between coalition and Opposition members: six in 10 coalition members agree that that is the case, while only one in four Opposition members agrees.

The questions on opportunity to participate and the encouragement of young people to participate in Parliament show reasonably strong findings, but those aspects are seen as being less successful than others. Among members of staff, there is a strong view that young people have been encouraged to participate in the Parliament's work. However, what is curious is the low proportion of staff who feel that people are given adequate opportunity to participate in the parliamentary process and the even lower proportion of staff who feel that the Parliament consults sufficiently the people of Scotland. The graph shows satisfaction and dissatisfaction among Parliament staff, so one could consider either side of the equation; however, it is clear that they reflect the same movement. Staff feel that young people are being encouraged and that the Parliament observes acceptable hours, but they also feel that Parliament's consultation and the opportunities to participate in Parliament are much weaker.

Members feel strongly that they can get the information that they require. They also feel that the public can get information—that the Parliament is open to providing information to the public. Staff agree with members on that. However, the public—again, because of the low level of knowledge and engagement—are much less sure. The difficulty is motivation. Are the public suitably interested to make the effort? Until a particular problem hits someone, will that person be driven to discover how open and accessible the Parliament is? That is the problem the Parliament faces.

An Opposition member said:

"In terms of the internet, television and libraries throughout the country, access to information is relatively easy for most people in Scotland."

That might not be true, but one could argue that it is the case. Another member—the quote is not attributed, but I think that it was a coalition member—said:

"There is loads of information, but it is accessing it. Parties still meet in private, and the decision making process has essentially not changed".

There is a sense that the Parliament is not so different.

If we were to carry out this exercise in two years' time, when the Parliament is in its new building, the responses on physical access would be very different. Members and staff recognise that the current buildings present access problems. However, it must be said that when we asked in Kingussie, Jedburgh and Dunfermline about physical access to the Parliament building, people tended to glaze over—they do not see the matter as relevant to them. Of course, it is important for any organisation to be accessible in that sense, but the great mass of the public does not really regard it is an issue.

As I said, staff feel that committees should meet away from Parliament more often. The public feel that access and participation is the most easily understood principle. Newspapers and television are their most common sources of information, but they have some anxieties about how easily understood some of the information that comes out of Parliament is. I have some reservations in relation to whether what people are talking about is baggage that they bring as a result of certain assumptions, rather than as a result of specific experience. However, the public's perception is that there is quite a lot of inaccessible jargon wrapped around communications and information from the Parliament, which is by way of saying that they feel that they do not understand it.

There is a feeling that the relationship between constituents and their MSPs is not yet well established. An MSP is less likely to be recognised than an MP, who in many cases has been in place for a long time. People in the focus groups said that they would not currently consider turning initially to their MSP for help—they might be directed to the MSP by some other body, but in the first instance they would go to their local council or MP. The broad swathe of people to whom we spoke would not turn to their MSP.

At the end of the focus groups we asked members of the public how such matters could be improved, because we had faced many stone walls when we asked about specifics and we wanted to have a positive discussion about how matters could be improved. There was a feeling that more effort should be made to introduce to schools education that relates to the Parliament and to the electoral process in general. That is not only because younger people might become more engaged in the process if they grow up knowing more about it—they are the future generation—but because kids bring stuff home from school which their parents might secretly read when the kids have gone to bed. In that way the adults would learn about it too. There was quite a strong feeling that that would be a good idea. It was suggested that there should be more advertising on what the Parliament does and that perhaps there should be some sort of roadshow that would travel around and tell people the good news. That suggestion came up a couple of times. It might be that when the Parliament moves to its new building there will be an opportunity for some form of relaunch or publicity about how accessible and open the Parliament is.

A male member of a focus group said:

"We don't know what's going on in Parliament. I don't think anyone in this room knows what's going in Parliament. The taxpayer is paying for that. We have a right to know what is going on."

Members will be familiar with such sentiments.

On the other hand, a woman who follows matters keenly and knows how to get hold of information said of constituency MSPs that

"You can go in to their website and find out. You can find out what committees they are on. You can find out by looking up the minutes to see if they've actually attended and how they vote and what their stance is … You can write to them … I think that's power sharing."

There are a few people out there who know, but they are too few.

The Convener: Have you formed a judgment on whether women are more reflective than men are?

Simon Braunholtz: No. There were probably four people from all the focus groups who really knew about Parliament—I think that two were men and two were women. I would not draw any sweeping conclusions—it is merely that the women came up with better quotes. Perhaps they are more eloquent.

The Convener: They are more skilled linguistically.

Mr McAveety: Those are interesting comments and we have all heard them. However, there is a cost associated with such suggestions. If somebody said to the rather sceptical man who made the comment about not knowing what is going on, that to meet the commitment he suggests would require resources, would he then be happy? He is probably the same kind of guy who, when we send out leaflets saying what the Parliament is about, says that leaflets are a waste of money and that we should concentrate on real things. Was there anything behind such comments or is it just the usual man-at-the-bar routine?

10:30

Simon Braunholtz: There is a tension and I accept that money cannot simply be piled in, because that would make people unhappy. People recognise that that is the case and are not being unrealistic in their demands. At the same time, if one asks people about how much they know and how their knowledge could be improved, they tend to put the onus on the Parliament rather than on themselves. One of the things that came out of the focus groups is that people are slightly defensive and—in their defence—they are critical of the organisation about which we were asking.

Frank McAveety made a fair point. If one was doing a quantitative survey to establish how much people knew and how they wanted to get information, one might get a slightly different picture. The balance of views that was expressed in our survey is pretty fair.

Finally, I will address equal opportunities, which is the fourth driving principle. We took three specific aspects of the equal opportunities principle and considered the extent to which members are satisfied that those aspects have been working well.

More than half the members who responded said that they are satisfied with the Parliament's sitting patterns. One in seven said that they are not satisfied that the sitting patterns are family friendly. In the in-depth interviews, people said that because this is politics there will never be a way of working that fits in with having a family and getting back home for the kids. There are sacrifices to be made and people accept that. Therefore, although the sitting patterns are not as good as those people would like, they take a realistic view.

On the question whether Parliament has made progress in promoting equal opportunities, about half the members who responded say that it has. Only 6 per cent say that it has not made progress and about half hold no particular view on the question.

One in 10 members says that he or she is not satisfied that the committees are taking equality issues into account, whereas four in 10 members are satisfied on that. The pattern of staff's satisfaction with those issues is similar. There is little difference between the views of staff and members.

In the view of members, the promotion of equal opportunities has been successful in terms of the clarity of the language that is used, family-friendly sitting times and the encouragement of groups to participate. It has, however, been less successful in sharing information with otherwise excluded groups—for example, providing information in formats such as Braille. Members also feel that the Parliament has been less successful in taking account of the views of excluded groups.

Most commonly, there was a view expressed that the Parliament has not yet managed to crack the issue of giving access to minority ethnic groups. The Parliament is much stronger on gender equality than it is on ethnicity. One coalition member said:

"The Scottish Parliament has a far better representation of women than Westminster as a result of conscious decision. But for ethnic minorities, it has been singularly unsuccessful."

Approximately half of MSPs say that they are satisfied that proceedings take into account the views of excluded groups. There is, however, much less satisfaction with the question whether the Parliament has encouraged those groups to participate in the political process. Only one quarter of members is satisfied that the Parliament has met that objective and three in 10 say that they are dissatisfied. The encouragement of excluded groups to participate is an area in which there is seen to be some weakness.

When we talked to the public about equal opportunities, a range of views was expressed. Some people wanted to know what is so great about equal opportunities. I had some heated discussions about equal opportunities in the focus groups. People kept saying that if there are to be quotas for women, minority ethnic groups or people who have disabilities, people will only be appointed or elected because of their disability or gender and not because of their abilities and skills. It is a familiar argument that is still rumbling on. As a result, when the issue was raised in the focus groups, there was tension between those who recognised the progressive element of the equal opportunities principle and those who dug their heels in and were not so sure about the issue.

As I said, staff are more aware of the principle of equal opportunities and are more likely to consider themselves knowledgeable about it as a guiding principle of the Parliament. Staff rate highly the performance of the Parliament on gender equality. Men are more likely than women to believe that the Parliament is doing well on gender equality. That might say something about how well the Parliament actually is doing on gender equality. Staff are, however, less likely to believe that the Parliament is doing well on race, religion and disability.

I will sum up briefly and I hope that there will be time for questions. Before I am firmly pinned down on the qualitative data, I believe it would be helpful to consider some recent quantitative data. However, from the qualitative work that we have done, it is fair to say that the public is more in the dark than the Parliament would like. In many areas, the Parliament has yet to convey the key messages about the way in which it operates and about its structure and role, as well as about the mechanisms for consulting and providing the public with access to members. As a result of that, there are significant differences between the views that were expressed by those inside the Parliament and those on the outside.

The committee system—with one or two caveats that I have described—is seen within the organisation as being a particular strength of the Parliament, as is the Presiding Officer. The committee system is widely perceived to be a positive force. The data seem to show that greater prominence should be given to the Presiding Officer and the committee system, given that the Parliament can get behind them and show that those are positive ways of working. They should receive greater prominence in the publicity that the Parliament receives.

I am sorry if the presentation has taken too long, but I am happy to answer any questions.

The Convener: Not at all—one of the reasons that your presentation took longer than expected was that members had the opportunity to ask questions.

I have a question about your comment that you would expect there to be a difference between Opposition members and members of the coalition. You said that there would be partisanship. Was the disparity in some of the answers in line with what was expected? Did you have prior expectations? Were you surprised by any of the areas of disparity? Are there areas of disparity that are unhealthy and which should be seen as more serious than merely being the difference between somebody who is in power and someone who opposes the Government?

Simon Braunholtz: I am not sure whether there is a wider disparity of view than I anticipated. The comments that stood out for me were those that were made about the Parliamentary Bureau—although I have to confess that that is because of my ignorance of its operation. I felt that there was quite a wide disparity among views on that issue, which perhaps causes me concern. In order to back up that concern, I would have to discuss the matter with somebody who is more knowledgeable about the bureau than I am.

Mr Macintosh: Did you ask the public about their political identification?

Simon Braunholtz: No. We did not ask about their party support at any point. During discussions it becomes clear where people are coming from, even if which party they support is not explicit.

Mr Macintosh: Do you think that political affiliation is a factor? There is quite a strong difference between members' views running along party lines. If you took a bigger sample from the public, would taking party identification into account make a difference?

Simon Braunholtz: It would produce a greyer picture.

Mr Macintosh: I suppose that the level of ignorance explains many factors, but there was not as much received opinion as I expected. I was expecting to see more of what I read in the papers. Was that what you found, or am I interpreting the results wrongly?

Simon Braunholtz: We have not reported specifically on aspects of people's views of the Parliament that came up spontaneously because they were not pertinent to the study, but one issue that came up consistently—we had to keep saying "Yes, but apart from that"—was the new Parliament building and its cost. That was a very prominent issue. There is no doubt that that issue has either deflected or coloured people's views of the Parliament.

Mr Macintosh: I am trying to think how we get round the problem of the unprompted answer—one has to prompt to get an opinion. Do you think that you got round that successfully? You identified a huge lack of knowledge about the operation of the Parliament. Were those who were aware of the Parliament able to give considered opinions? Were they expressing strong opinions on issues that members do not know provoke strong opinions? None jumped out at me.

Simon Braunholtz: No. They were not so knowledgeable that they had had a great deal of contact. However, one person who had been involved in the petition process expressed the view that it had worked extremely well—she had been kept informed of what was happening and when the petition was going to be considered by a committee. She felt that the process worked really well, although she was less sure about the outcome.

There are also examples of people with more knowledge having specific comments. For example, the person from the Jedburgh group who watches "Newsnight" voraciously felt that there are loads of opportunities to become knowledgeable about the Parliament. He has not contacted the Parliament, but he watches the news and absorbs it. In fact, he is pretty cynical about the whole thing. He loves politics, but he also likes to be cynical about it.

Mr Macintosh: We are a new Parliament and you said that there are some opinions that are simply baggage that people are carrying, such as ideas about Westminster or their knowledge of politics more generally. I was wondering whether there would be any way of differentiating between people's views of Westminster and of the new Parliament in any future work.

Simon Braunholtz: That is extremely difficult to do, although we tried it in our report. I did some work on differentiation years ago, in advance of the Scottish Parliament's establishment. At that time, I looked at people's views of the political process. What is remarkable is the extent to which people fail to differentiate between their local authority and Westminster, or between their councillor and their MP. If you ask people to name their MP, they will often name their councillor, and vice versa. The public are very hazy about the whole area. You can go some way to unpick that question in focus groups, but the overriding picture is of a public that are not terribly well informed. That is the bottom line.

10:45

Mark Diffley: The comments and quotations that are included in the report highlight that point starkly.

Fiona Hyslop: You talked about the Parliament staff's awareness of the CSG principles. Was that same information gathered from the public? Are the public aware that the Scottish Parliament was established on principles that were meant to be different from Westminster?

Simon Braunholtz: Yes. People said that they thought that they were entering into a new co-operative kind of politics, but that it has not worked out that way. Members will be aware that the public often say that they want the political parties to pull together and work together for the people. They want the parties not to be divided or to argue with each other. The public have an idealised view of how politics work.

One of the Scottish Parliament's difficulties is that there were high expectations of it when it was set up. Those expectations exist, although the public do not have a specific understanding of what the guiding principles are. The public thought that the Parliament was a new organisation—a new Parliament for Scotland. They now sense that the Parliament has not come up to those expectations.

Fiona Hyslop: That is more about style. Did you ask questions similar to those that were put to the Parliament staff, such as whether the public are aware of the CSG principles?

Simon Braunholtz: Yes, we did. Because the work was qualitative, we did not break it down into individual questions with tick boxes and so on. We had a topic guide followed by four sheets of paper containing a summarised version of the CSG principles. They were shown to people; we asked them to read the paper, after which we asked them questions such as, "Were you aware that that was a CSG principle? Do you understand it? Do you think that the Parliament has lived up to it?" We used such questions as a way of generating discussion on each of the principles. The result was that we had pretty blank faces around the table.

Fiona Hyslop: Was all your work with the public qualitative and not quantitative?

Simon Braunholtz: Yes.

Patricia Ferguson: The part of your presentation that was about the bureau could do with some more work. Some of the brief synopsis that we were given struck me as a misunderstanding of some of what goes on in the bureau. I would not disagree with all of it, but there were aspects that are not quite right.

Given that you were at pains to get a rural and an urban sample, did you find any differences of perception about access to MSPs among urban and rural electors—or constituents, which is what the public are to us? It is more difficult for MSPs who cover rural areas to be accessible. Did people understand how to access their MSP as a route into the overall structure of the Parliament? Was that perception different in rural and urban areas? I am struck by the fact that people have more MSPs than MPs, which means that it should be easier for MSPs to make contact with people.

Simon Braunholtz: I will comment on the work that was done in Jedburgh, because I went down to Jedburgh. Mark Diffley was in Dunfermline; he will comment on the work that was done there.

One issue in Jedburgh—this is true of many areas—is that the sitting MP has been in place for a very long time. The people to whom we spoke said that he is a good constituency MP who is available and accessible. In other words, he is well known and pretty well liked. A new elected member moving into that patch needs to raise their profile, so that they become the person to whom people turn. That is one of the difficulties.

People did not even consider coming to the Parliament. It was not part of their thinking. A small number of people were aware that the committees go out and about. One person in the focus group imposed on the others the view that the committees were closed: if people could not attend committee meetings and if meetings were held in private, what was the point of committees coming out to Jedburgh?

Mark Diffley: We expected focus groups to respond differently, depending on the area that they represented, but that was not the case. No one from the two Dunfermline groups had visited the Parliament. We expected those groups to have more to say about physical access, but they did not.

Patricia Ferguson: When you talked about the strengths and weaknesses of the committees, you said that there is a consensus that committees have not performed to expectations when it came to initiating legislation. I would not necessarily share that perception, which is based on the fact that few pieces of legislation have been initiated by committees. I am reassured by the fact that these are relatively early days. One would not want the committees to introduce legislation too quickly. They should examine the issues and make proposals arising from the constructive background work that they have done. It struck me that the responses to your questions may have been influenced by the fact that in many areas it is too soon to tell how the Parliament is performing. Did you have any sense that that is the case?

Simon Braunholtz: That is a fair point. A relatively high proportion of members said that the committees had not been successful at initiating legislation, but almost half did not express a view on the matter one way or the other. I am sure that that is a reflection of the fact that these are early days. Members' responses also differed depending on their party. Opposition members probably sense that they can exercise a powerful influence on the Parliament's agenda through committee legislation. That aspiration may not quite have been realised yet.

Mr McAveety: From your research, can you say how disconnected those of us who are inside the circle are from those who are outside it? Are you worried about that? What kind of messages do we need to receive if we are to deal with the problem?

Simon Braunholtz: I would be somewhat worried. Anyone who works in an organisation tends to feel that people know, at least generally,

what they are up to and how they operate. This research has shown that the public do not know how the Parliament operates. The Parliament needs to overcome that hurdle. We are all familiar with the problem of falling turnout at elections: the Scottish Parliament does not want to end up in that spiral. Informing and engaging the public to improve understanding is a critical issue for the Parliament.

Mr McAveety: Behind that is the question that has been raised by other members, which is what expectations people had and the effect of the reality check when we come to actually run something. There will always be a difference between the imagination of a campaign versus the reality of the thing itself. What worries me is that I get the feeling that people think that there is no real difference from anything that has gone before, yet, quite rightly, the Parliament was sold on the basis of being different.

The other question is who runs the place. I am not referring to the Executive. In informal discussions with folk, it strikes me that the troubling issue is who runs the Parliament. Is it any different, or have we just shifted? It is like the former Romania.

Simon Braunholtz: That is an anxiety that came through. On the basis of very low levels of knowledge and understanding, people are rather ready to tar the Scottish Parliament with the same brush. Another theme that came through alongside criticisms of the way in which the public perceive the management of the new building programme is a fairly widespread concern that the Parliament is not as independent of Westminster as they would like. When it comes to real power they think that it is all at Westminster. There may be other battles to be fought but—

Mr McAveety: It is true.

Simon Braunholtz: I could not possibly comment, but there is a perception that that is the case. Such perceptions are open to change and are sometimes influenced by recent events.

Mr McAveety: I do not know whether you have done any work in other contexts, such as parallels in Europe where there are different forms of government. Perhaps people feel the same things in other places. Are we at the beginning of something in Scotland, in trying to understand what is reserved and devolved and how we deal with things? It seems that the greatest concern relates to an issue that is decided by us rather than by Westminster.

I want to ask about young people. You showed us a chart that said there was a strong response to the idea that the Parliament encourages young people to participate in its work. However, there was a weaker response to the idea that the Parliament gives adequate opportunity to participate in the parliamentary process. I realise that there is a difference between the two ideas, but do you think that people understood that? It seems strange that they strongly agreed with one, but not with the other.

Simon Braunholtz: It is a strange contradiction. To some extent, it is down to the "don't knows"—it often is. In other words, the proportion of people who say that they do not know how they feel about the first question is quite low—people are quite confident that the Parliament has been encouraging participation by young people—but they are unsure about the reality of the opportunities.

Mr McAveety: Were there any comments about the resources dedicated to that?

Simon Braunholtz: No.

Mr McAveety: Whether we are providing serious resources for access by young people is an issue that causes me concern. What I am trying to get at is that the staff might think that youth participation is taking place, but not on the scale that it should.

Mr Gil Paterson (Central Scotland) (SNP): Will you be able to measure the views that you are getting on the Scottish Parliament against the views on other Parliaments that are longer established?

Simon Braunholtz: Possibly. We have not done that as yet. We hope to get involved in such benchmarking. Quantitative work—considering the views of the general public on different electoral systems and Parliaments—will go on nationally.

Mr Paterson: Perhaps I should make myself clearer. I have been involved in politics almost all my life—since I was a three-year-old delivering leaflets with my dad—and nothing that you have said is new to me. It is the genuine view of the public. By thinking that the Scottish Parliament is different from any other Parliament in terms of the negativity associated with it, perhaps we are guilty of navel gazing.

Simon Braunholtz: I accept that there may be issues that are not new, but we are reporting in light of the guiding principles. They may or may not be achievable; they have not been achieved in the view of the public.

11:00

Mr Paterson: You mentioned, as has been raised at other meetings, the fact that the public are confused about what is the Executive and what is the Government, and whether they are the same thing. If they are regarded as the same thing, should we do something about it? Should

we change the name of the Executive so that the public understands that it is the Government?

Simon Braunholtz: I do not know—I would have to give that more thought. I am not sure whether changing the name would suffice, or whether the problem goes further back. I accept that you can take a horse to water but cannot necessarily make it drink. The first hurdle is to go through the classic communications programme and say, "This is who we are. This is what we do. This is what we think. This is what we can do for you." You must then say, "This is what we want you to do for us." At the moment, that communications programme is at a fairly early stage.

Mr Paterson: Are we, or is the Executive, sending out the wrong signal by calling it the Executive? Should the matter be made clearer through the Executive calling itself Government?

Simon Braunholtz: Possibly. The term "Executive" is not one with which people are familiar, but the great mass of the public does not differentiate between the Executive and the Parliament anyway.

Mr Paterson: I was interested in your comments about the Parliament being MSP-friendly. We have measured ourselves a bit, but is there contained in your figures a discrepancy between what the women in the Parliament think is good and what the men think is a user-friendly Parliament?

Simon Braunholtz: That is an interesting point. We will examine that. I have not got the information in front of me. I wish I had, because I cannot answer you directly.

The Convener: Murray McVicar was not asked to do anything for this presentation, but he is very much involved in designing the brief. Is there anything that you wish to say on the basis of the discussion so far, Murray?

Murray McVicar (Scottish Parliament Information Centre): The research highlights the view that throughout western democracies there is public scepticism about elected politicians. I am not sure whether Scotland is different from other democracies in that sense. Do you think that the Parliament could reach the next generation with more education for, and outreach to, younger people in order to explain the difference between the Parliament and the Executive and to tell them what the Parliament is doing? Did that come out of the focus groups? Do you think that we could go forward in that way?

Simon Braunholtz: Yes, I do and that point did come out of the focus groups. In a way, it was almost bound to, because people were not sheepish about saying that they do not know much about the Parliament. They were quite open about that, but they always want to contribute something positive, hence their suggestion that the Parliament should provide more information, particularly through the education system. That suggestion would be worth taking on.

My view is that the Scottish Parliament, which is a new body in a relatively cohesive and well-defined country that has enthused for many years about having a Parliament, is in quite a strong position to provide that information and to generate greater enthusiasm than there appears to be at the moment. However, such things are cyclical. Shortly after the change of Government in 1997, there was great enthusiasm for and an upsurge in confidence and belief in politics and change. That changed dramatically over the course of the ensuing Parliament.

It is a gamble to raise expectations, because those expectations might not be met. That is the case with the Scottish Parliament. Expectations were quite high, but people sense that the Parliament has not yet come up with the goods.

The Convener: That is an appropriately inauspicious note on which to end the presentation. I thank Simon Braunholtz and Mark Diffley. I apologise for introducing Barry Stalker at the beginning and I am sure that the witnesses will convey our good wishes to him.

The presentation has given us a lot of food for thought. We will examine the report, which we received in the past couple of days. That will inform our work further.

Standing Orders

The Convener: Nobody will speak to item 2. It is simply a request that the committee commission an issues paper on the three suggestions that the Executive has made for improving bill procedures. The suggestions all seem to me to be unremarkable and sensible steps. Is the committee happy for that work to be done and about the suggestions to be put before us?

Members *indicated agreement*.

Scottish Parliamentary Corporate Body (Elections)

The Convener: Item 3 is about the Scottish Parliamentary Corporate Body elections. If ever an electoral process deserved cynicism, it must be that one, which I am sure we all remember well. We are asked to agree that work be done to sharpen the process up so that the next time it is done, it is done a wee bit better.

Are we agreed?

Members *indicated agreement*.

Standing Orders

The Convener: That takes us to item 4, which is a draft report on proposed changes to the standing orders that reflect a range of issues that the committee has considered recently. I do not think that there is anything in the paper that will surprise anybody or raise any concerns, but I give committee members the opportunity to raise any points that they noticed.

Fiona Hyslop: I have a few points. On paragraph 3, is there any way of rewording the phrase,

"suspend meetings for refreshment breaks"?

Meetings might be adjourned not only for refreshment breaks.

Mr Paterson: Perhaps "comfort breaks" might be better.

Fiona Hyslop: "Breaks" would be better. We are open to a bit of ridicule if we say that we will break just for tea.

Mr Paterson: "Comfort" might be a better word to use.

Fiona Hyslop: I have a more substantive point on paragraph 22, which concerns the selection panel for appointments. I have raised the point previously. I suggest that, for cases in which we want to make an appointment and the remit of more than one committee covers that appointment, the proposal in paragraph 22 is too tight. It states:

"where the relevant legislation does not fall within the remit of any committee, the Committee suggests that the Bureau should decide which committee convener is to be appointed to the panel."

I suggest that we change that to "committee convener or conveners". The committee should bear in mind that between four and seven members can be appointed to the panel. I would not like a restriction that only one committee's convener could be appointed. It might make sense that there could be two.

The Convener: That seems to be a perfectly sensible suggestion. I thank you for it.

On paragraph 3, I am no keener on putting in "comfort breaks" than I am on including "refreshment breaks". We could just put "breaks". There are natural gaps in a meeting. We might reasonably have allowed a couple of minutes to clear up the equipment at the end of the presentation today, but I chose to press on. We should perhaps just accept that there are gaps in committee meetings, call the breaks "breaks" and not have to defend them.

Members *indicated agreement*.

The Convener: Do we approve the recommended changes to the standing orders that are set out in annexe A of the report, subject to anything being changed to take into account the decisions that we have just taken?

Members *indicated agreement*.

Points of Order

The Convener: That takes us to item 5 on the agenda. We might have needed one of the unscripted breaks that we were talking about while we waited for the official who will speak to the report to arrive but, fortunately, he is at hand. We have only to keep talking among ourselves for a few moments—nature abhors a vacuum. However, it does not mind Ken Hughes too much.

Ken Hughes (Directorate of Clerking and Reporting): As part of good business practice, the Presiding Officers regularly review business management in the chamber. To that end, an analysis of points of order was undertaken for the period between 10 January and 24 May this year. There were 167 points of order raised in that period, of which 72 were not genuine. Furthermore, on five occasions, inappropriate points of order took an average of about 8.5 minutes to deal with. Admittedly, those occasions are exceptional and at present there is not a significant problem with them. However, that evidence shows that there exists the potential for the prosecution of proceedings to be disrupted by abuses of points of order. Therefore, after consideration of the matter, the Presiding Officers suggested that the Procedures Committee consider changing rule 8.17.2 to allow members to speak for up to one minute on a point of order. That is suggested on the bases that one minute should be sufficient to express genuine points of order and that the current limit of three minutes provides too much scope for disruption of business. Having said that, I stress that there is no wish to interfere with members' legitimate rights to raise points of order and that this is merely a suggestion that the committee might wish to consider.

The Convener: I know how scrupulously you research such matters, Ken. I am therefore sure that you will be able to answer my question. Of the 167 points of order, how many took more than a minute?

Ken Hughes: Precious few.

The Convener: Being the sad, pathetic creature that I am, I read in the *Official Report* the five circumstances that you identified. Not counting all the times that Margo MacDonald tried to make a point of order but was not allowed to, there were 53 individual points of order, although—as you said—many were not points of order, but interruptions in disguise. I thought that only one such point of order took more than a minute. It occurred on 14 March, when John Swinney attempted to make a speech about what had happened in the previous week's vote on fisheries. On that occasion, I thought that it was appropriate

that the leader of the Opposition should have had a couple of minutes in which to make a point. It was a pity that it had to be done as a point of order, but if the Presiding Officer felt that it was not appropriate, he had the opportunity to close him down almost immediately because he was making a speech rather than a point of order.

Having considered the issue, I cannot see the point in changing standing orders in the way that is suggested. The problem is not the time that people take to make points of order, but the time that is taken up by series of minor points of order, most of which take 20 or 30 seconds. Such serial interruptions happen when members are aggrieved about something. That is part and parcel of parliamentary life, rather than something that we can sort out.

Ken Hughes: I agree. The occasion to which you refer was the only inappropriate point of order that lasted more than a minute. The intention is not to dwell on or rake over what has happened in the past, but merely to consider what could happen. There could well be difficulties if a member rehearses an argument that leads to an inappropriate point of order, which does not allow the Presiding Officer to intervene and nip it in the bud.

The Convener: A Presiding Officer would just say, "Get to the point." Presiding Officers in fact do that.

Ken Hughes: Yes, they do.

11:15

Mr McAveety: Murray Tosh has hit the nail on the head. It is not a question of the time taken; rather the issue is the frequency of interventions that are made through points of order, 40 per cent of which are seemingly made on spurious grounds. Ken Hughes has carried out other research and has looked into the rules of other parliaments and bodies. There are rules in some other parliaments to the effect that members who raise points of order should name the relevant standing order, although practice seems to be that they have not done so. It strikes me that that would kill repeated interruptions stone dead. If a member cannot name the rule that relates to his or her point of order, that could allow the Presiding Officer to intervene.

The Convener: Do you mean that members should tell the Presiding Officer in advance that they would make points of order?

Mr McAveety: Either that, or members should have sufficient awareness of the standing orders to know which rule it is to which their point of order relates. The points of order that are currently raised during debates are often not legitimate with regard to the standing orders, but might be legitimate in the theatre of debate. Members use the mechanism of a point of order to make points that they might have made in the debate anyway. If we are serious about addressing an excessive number of interventions that are made through points of order, the Presiding Officer should try to intervene when a member does not know the standing order to which their point of order refers.

The Convener: Do not members frequently know that their intervention is not in fact a point of order? They are often determined to get up and make a point anyway.

Mr McAveety: I was suggesting merely that there could be a rule whereby members had to name the relevant standing order and, if they could not name it, they would have to sit down immediately. That would address the issue. Otherwise, what is the point of having standing orders?

The Convener: I know that you have the standing orders in your Filofax, Frank.

Mr McAveety: No, I do not. I do not intervene using points of order, on the basis that I would not have an idea of the standing order to which my point of order related; that is different to reacting to a debate as it develops.

Mr Paterson: I do not think that Frank McAveety's idea provides a solution. A member who was switched on about the standing orders might get up and say that he or she was going to make a point of order on such-and-such a rule, but then go off on a tangent.

I think that, in fairness, this is a matter that we do not need to address. The power lies with the Presiding Officer, who can make a decision on whether a member is overstepping the mark. A member could speak for five minutes or the Presiding Officer could chop them off in their prime within 15 seconds—which is in the control of the chair.

The Convener: That sums up the matter well. The committee has always attempted to assist the Presiding Officers in sharpening up and streamlining business, and I am sure that we remain in that position. I think that, where there are difficulties, the answer might be for certain members who feature prominently in this regard to reflect on their own conduct. Other than in cases of individual serial interrupters, I think that it is for all members to think about how they handle such situations. The Parliament must support the Presiding Officer during times of turbulence, and it must accept that if members witter on unreasonably, their microphones will be switched off and business moved on.

If we look back over the events concerned, they

were all times when members were—for good reasons—very excited about specific decisions or issues. I do not think that we can abolish that; it is just a fact of life. However, in cases where people are wasting the Parliament's time, the Presiding Officers should act strongly. I am sure that they will have, and that they deserve, the support of MSPs in taking firm action.

If we discover suddenly that certain members regularly make five-minute speeches in the form of points of order, I am sure that we could reconsider the situation, but I do not think that we have identified a solution to the problem. I would prefer to leave the matter at the moment and I think that that is the general view. All the same, I thank Ken Hughes for attending—we are always pleased to see you.

That concludes the committee's business for today. I thank members for their attendance and their contributions.

Meeting closed at 11:19.

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