

# **PROCEDURES COMMITTEE**

Tuesday 18 December 2001  
(*Morning*)

Session 1

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## PROCEDURES COMMITTEE

### 14<sup>th</sup> Meeting 2001, Session 1

#### CONVENER

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

#### DEPUTY CONVENER

\*Mr Kenneth Macintosh (Eastwood) (Lab)

#### COMMITTEE MEMBERS

\*Susan Deacon (Edinburgh East and Musselburgh) (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:

Alison Coull (Scottish Parliament Directorate of Legal Services)

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting)

Professor David McCrone (Adviser)

Kate MacLean MSP (Convener, Equal Opportunities Committee)

#### WITNESSES

Bob Benson (Disability Rights Commission)

Lucy Chapman (Commission for Racial Equality)

Hugh Dickie (West of Scotland Seniors Forum)

Dr J A T Dyer (Mental Welfare Commission for Scotland)

Heather Fiskin (Disability Rights Commission)

Adam Gaines (Disability Rights Commission)

Dharmendra Kanani (Commission for Racial Equality)

Gordon MacDonald (Christian Action Research and Education for Scotland)

An t-Oll Wilson MacLeod

Wladyslaw Mejka (Disabled Persons Housing Service)

Angela O'Hagan (Equal Opportunities Commission)

#### CLERK TO THE COMMITTEE

John Patterson

#### SENIOR ASSISTANT CLERK

Mark MacPherson

#### LOCATION

The Chamber



## Scottish Parliament

### Procedures Committee

*Tuesday 18 December 2001*

*(Morning)*

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

### Consultative Steering Group Principles Inquiry

**The Convener (Mr Murray Tosh):** Good morning and welcome to the 14<sup>th</sup> meeting in 2001 of the Procedures Committee. We are slightly late in starting, because we were waiting a minute or two to see whether we could improve the turnout.

We have apologies from Donald Gorrie, who is unwell. Gil Paterson will have to leave at 10 o'clock because of a clash with another committee meeting. That means that the remaining three members of the committee are stuck here for the whole meeting, as the quorum is three.

The committee has also received apologies from Shona Simon, a member of the Parliament's staff from whom we expected a submission about our equal opportunities employment policy. That is not possible because Shona Simon is away.

There have been call-offs from Fiona Stewart from the Royal National Institute for Deaf People and from representatives of the National Depressive and Manic-Depressive Association, from whom we had hoped to take evidence, but who are unable to come.

I welcome Kate MacLean MSP, convener of the Equal Opportunities Committee. For today's purposes, Kate is invited to act as a member of the Procedures Committee and to chip in with questions and comments where she sees cause to do so.

Professor David McCrone, who is sitting almost on my far right, is the committee's adviser on the inquiry and he may well choose to advise us this morning.

Without further ado, we proceed to the first witness, Dr J A T Dyer from the Mental Welfare Commission for Scotland.

We will go through the submissions in turn. Last week, we first heard all the petitioners and then had a fairly general discussion at the end of the meeting. The subject matter is much more discrete this week, so we will hear each presentation and have some questioning on it before moving on.

I appreciate the fact that everybody has their own points to make. However, I hope that what will come across in each presentation is a sense of how the witnesses think that the Parliament is working towards the principle of equal opportunities and what we can do to make that better.

**Dr J A T Dyer (Mental Welfare Commission for Scotland):** Thank you for the opportunity to address the committee. I will be brief in my presentation, as I was in the submission.

The Parliament has had a positive impact on us. Things are different from how they were before. The Parliament is fulfilling the expectations that we had of it as an organisation.

I will talk particularly about the aspirations of the Parliament to be accessible, open, and responsive and to develop procedures that make a participative approach possible.

What is most noticeable to us is the increased parliamentary time for Scottish matters, which has meant that the Parliament has been able to press ahead in a welcome way with health and welfare legislation. We have had the Adults with Incapacity (Scotland) Act 2000, which was the first major act of this Parliament. Following the work of the Millan committee there are proposals for a new mental health bill. There was also the Regulation of Care (Scotland) Act 2001; there is the Community Care and Health (Scotland) Bill and there is also a draft vulnerable adults bill. On the Westminster timetable, we would have waited a long time to make progress on those important measures.

It is interesting to contrast what is happening now with what happened with the Mental Health (Patients in the Community) Act 1995. That legislation gave us community care orders in Scotland. It was heavily influenced by English Department of Health concerns and there was very little feeling of participation. I remember some desperate phone calls to an interested peer to try to get some amendments made to that legislation in the House of Lords. The provisions of the 1995 act have not been of great use in Scotland.

Now there is much more extensive pre-legislative consultation before a bill is even presented to Parliament. That allows the development of consensus where possible. We welcome the accessibility of civil servants, MSPs and committees—I am now getting quite used to appearing before parliamentary committees.

The only slight cloud on the horizon is the doubt about the resourcing of civil servants to allow them to keep up with all the activity. Two aspects of the Adults with Incapacity (Scotland) Act 2000 have now been postponed, which is an indication of the burden on civil servants.

I would like to make a final point about the Mental Welfare Commission for Scotland. The Millan committee proposed that our accountability should be extended so that we are accountable to Parliament as well as to the Executive. We would welcome that. We would welcome being questioned on our reports by the Health and Community Care Committee and we would welcome having a duty to draw matters of concern to the attention of the Parliament as well as to the attention of ministers, health service bodies and so on. Overall, our impression of the workings of the Parliament has, as I say, been extremely positive.

**The Convener:** You have already picked up on a question that I had intended to ask—one that sprang from your initial letter to us—on the accountability of the Mental Welfare Commission to Parliament, as well as to the Executive.

The Executive's difficulty in coping with its work load has to be a matter for the Executive; this committee cannot answer for it.

I want to ask about the Millan committee, which was a pre-devolution initiative. Has the arrival of devolution and the Parliament made a significant difference to the work of the committee?

**Dr Dyer:** The Millan committee has finished its work and produced its proposals. What we have learned about the workings of the Parliament from our involvement in the Adults with Incapacity (Scotland) Act 2000 bodes very well. We, as a strongly interested organisation, will have good access to the committees and civil servants who will deal with the new mental health legislation as it goes through. Our experience with that act was very good.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I have two questions to ask, the first of which is broad. You have been able to contribute to specific legislation in the first couple of years of the Scottish Parliament and I was pleased to hear you refer to that. What has been the experience of the Scottish Parliament for adults with mental health problems or with mental incapacity? Has the Parliament made efforts to include such adults in its consultations on wider issues—issues that are not to do with mental health, such as transport and education? Have such adults been included in everyday matters—matters that affect them as much as they affect any other adult and child?

09:45

**Dr Dyer:** My impression is that there is an increased sense of accessibility to the Parliament. It is easier for people to get access and to make their concerns known. It is possible for people to submit petitions and I know that that has been done. Devolution has been helpful. It can, of course, be difficult for people with a disability

arising from mental disorder to make their views known.

There is a cross-party group on mental health. I know that because of the number of such groups there is a lot of competition for members, but unfortunately the mental health group is only ever attended by two or three MSPs. However, that is a forum at which users and carers of users of mental health services can express their concerns to MSPs and others with an interest. They can discuss mental health matters, but also other matters that affect them, such as benefits. That, of course, is a reserved matter, but concerns can be passed on nonetheless.

**Mr Macintosh:** My second question was on cross-party groups. A number of today's witnesses have previously mentioned those groups. You have hinted at the difference between the expectation and the reality of what those groups can achieve. You mentioned the attendance of MSPs. I am a member of several groups, most of which I am able to attend some of the time—or some of which I am able to attend most of the time, I am not sure which. The Parliament has all sorts of mechanisms for reaching out and sharing power with the wider community, but do you find cross-party groups to be a satisfactory vehicle for giving access to people? Or do they send you down a little narrow path, off to the side and away from the mainstream, making you a special interest that is dealt with by the same two people every time?

**Dr Dyer:** Cross-party groups are helpful as far as they go, but they are limited. One would not want to rely only on a cross-party group as a means of dealing with issues and getting information across. That is partly because the number of MSPs who attend is small. A cross-party group provides the potential to build up a group of MSPs with particular knowledge of a particular subject, who will then be able to speak knowledgeably in debates, to anticipate things that are coming up, and be briefed by other members of the group. However, the number of cross-party groups and the level of attendance place limitations on what can be achieved. Nevertheless, the cross-party groups are of value as a link between the Parliament and organisations that are interested in a particular issue.

A number of the cross-party groups are related to mental health. I gather that there is one on autistic spectrum disorder, and another on eating disorder, which is related to mental health. I have attended only the group on mental health, but there is more than one group. They play a part—but it is just a part.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** I want to ask about resources. The convener is correct to say that the

way in which the Executive deals with its work load is not a matter for this committee. However, a wider issue arises to do with work load generally. Even after only a brief period on the committee, I can see that work load is a recurring theme.

In your opening statement, you spoke about the enormous programme of work on mental health that has been carried out over the past couple of years. That has had a bearing on the resources of the Parliament, its committees—the Health and Community Care Committee in particular—and the Executive, but also on organisations such as your own. It is right that we should note the huge contribution that your organisation has made to that programme of work, through numerous working groups, committee appearances, written submissions and the like.

Having had that experience over the past couple of years, do you have any thoughts on how the process could have been more efficient—while remaining, obviously, as effective? You personally, and the Mental Welfare Commission, will have some valuable insights on that and I would be interested to hear your thoughts.

**Dr Dyer:** As Susan Deacon says, mental health policy and legislation have been the subjects of an unprecedented level of activity. That has been welcome, although it has made life busy for us all. I am not sure how the process could be made more efficient. Suggesting positive ideas on that is difficult. Broad consultation has been undertaken, which takes up much time, but is necessary. That has produced positive results in achieving consensus among groups that do not start off close to the same point of view. That is to be valued and should not be restricted.

We have valued our level of input of all forms—consultation prior to the production of legislation, giving committees evidence and being involved in implementation groups after the passing of legislation. All that is necessary.

I commented on civil servants to flag up the issue—I realise that that is not a concern of the committee. I have doubts about the ability of the Executive machine to maintain the pace that has been set. That has been shown by the significant delay in implementing both the management of funds by residential establishments and the medical treatment aspects of the Adults with Incapacity (Scotland) Act 2000.

**Susan Deacon:** I will stick with that theme. Your contact with all the elements of the Parliament and the Executive means that you have particularly valuable insights. Have you felt that the consultative processes have all added value? Has there been duplication? Could we as politicians and legislators have drawn on your expertise better?

**Dr Dyer:** I do not think so. Broad consultation has been necessary and a sensible approach has been taken. For example, because the Millan committee consulted broadly in two phases on the new mental health law proposals, the Executive simply produced a policy paper and did not hold another broad consultation, although it has a reference group to which the commission contributes. Therefore, we continue to have an input. I do not really have any criticism of the approach that has been taken or any suggestions for a more efficient approach.

**Susan Deacon:** The second issue that I will raise is about attitudes and awareness. Ken Macintosh's questions touched on them a little, as he asked about the experience of people with mental health problems of the Parliament. We have talked a lot about the Parliament's work in formulating legislation that we hope will benefit those with mental health problems. However, an associated major issue is tackling stigma and increasing awareness. How effective or otherwise have we been in raising those wider attitudinal issues and in dealing with some of the issues of prejudice and stigma?

**Dr Dyer:** It has been important that the Parliament and the Executive have adopted a position on such issues, which are difficult and will take time to tackle. There is a stigma about mental health problems, which derives largely from fear and ignorance. That tends to be enhanced by sensational reporting. Bad stories reach the news and lurid headlines are produced about infrequent, unfortunate cases.

It is important that that is tackled, because stigma affects whether people present themselves for help when they have mental health problems. It also affects how they see themselves when they use services. The issue is extremely important. The Executive has made a statement about it and is putting resources into tackling it, in partnership with other agencies. We greatly welcome that.

It is important that people in the Parliament use the correct language, because language can unwittingly contribute to stigma. Simple things matter, such as using the word "schizophrenic" in its proper sense and not as an adjective for an incongruous position. Avoiding other inappropriate use of language is one small, but important way of contributing.

It is unfortunate that debates on mental health do not receive much coverage when the Parliament is reported. The constructive debate on the proposals for a new mental health law received little media coverage. I guess that we all have to work away at that. Reporting is gradually improving. We see more positive stories, as well as the negative, lurid ones.

**The Convener:** David McCrone wishes to give the committee some advice.

**Professor David McCrone (Adviser):** One issue that interests us in the review of the consultative steering group proposals is not simply the effect of the organisation vis-à-vis the Parliament, but the effect of the Parliament on the organisation and its upstream activities—the sense in which the rationale and activities of an organisation with a representative function are affected by the greater demands that are placed on that organisation. That is another upstream aspect that it would be interesting to hear about from the witnesses.

**Dr Dyer:** Is your question about the impact of the Parliament on my organisation?

**Professor McCrone:** Yes. The focus—not unreasonably—is always on the Parliament vis-à-vis an organisation, such as the commission. To what extent is the commission affected by others outwith that relationship, who now have new expectations of the commission vis-à-vis the Parliament?

**Dr Dyer:** There is an effect in that direction. Issues are raised with us through MSPs more than before—probably because of a greater sense of accessibility to the Parliament. People write to MSPs and MSPs contact the Mental Welfare Commission. I am not sure whether there is any other effect.

The Parliament has had a big direct effect on us. The increased legislative activity and the increased time available for such activity have meant that we have spent much more time responding to consultations and undertaking similar activities. We have appointed a knowledge manager, part of whose job it is to keep an eye on what is happening in Parliament and to form a link with Parliament. That is one aspect of how we have had to change what we do to fit in with the Parliament. It is difficult to see any extensive effect of the Parliament in the way that Professor McCrone describes.

**The Convener:** Dr Dyer must leave by 10 o'clock. I am grateful to him for giving his time this morning.

We have been joined by Frank McAveety MSP and Fiona Hyslop MSP, who will have to leave soon to attend to other business.

I will call on Kate MacLean to speak next. Members will remember that when the committee previously took evidence from the Equal Opportunities Committee, the exercise on mainstreaming was not sufficiently advanced for an informed update. The intention of this morning's further session is to allow Kate MacLean to give us that update and highlight the

issues that the Equal Opportunities Committee has identified.

10:00

**Kate MacLean MSP (Convener, Equal Opportunities Committee):** I will be brief, because we still cannot give a final presentation on the exercise. However, I can give an update. I suspect that I will be back to give another update, which I hope to give to all the other committees too.

As I said before, the Equal Opportunities Committee commissioned research from the centre for regional, economic and social research at Sheffield Hallam University to examine the approaches that have been taken by other legislatures. One of the main aims of the research was to produce a set of tools to facilitate mainstreaming within committee activities. Since the Equal Opportunities Committee could be seen as the conscience of the Parliament, we felt that we should try to force other committees to have a conscience. We want other committees to take a full role in ensuring that equal opportunities is taken on board at every stage.

For the Procedures Committee's inquiry, a key point to note is that the research states:

"the Scottish Parliament is among Parliaments at the leading edge in mainstreaming equality, as there are few examples of good practice in other parliamentary settings."

That means that we are good, but we are only good as measured against a very poor standard. We have already started to develop systems to deal with equal opportunities within the committee system, which has involved us making things up as we go along.

That important research will eventually be made available to the Parliament. Although I am not in a position to give a full report on the research—we need to consult widely within and outwith the Parliament to ensure that any proposals that we make are valuable, workable and can be implemented—I will briefly outline what the research proposes.

Having looked at other legislatures—including those of Finland, Canada, Belgium, Wales, Northern Ireland, Australia and Denmark—the researchers propose that the Scottish Parliament's committees use an approach to mainstreaming based on guidelines that fall under several headings. Under the headings "Legislative Appraisal" and "Amendments to Legislation", our committee was concerned that other committees tend to leave it to us to scrutinise how legislation affects equal opportunities. The heading "Inquiries" could cover things such as the type of inquiry and the appointment of advisers. Under the heading "Information Baseline", we would be



required to set down where we are now so that we could measure any future success. It is important that we are able to monitor and evaluate any guidelines that are put in place. The remaining headings are: "Committee Expertise", "Selection of Witnesses", "Open Calls for Evidence" and "Consultation". The last three headings relate to the question that Ken Macintosh put to Dr Dyer. It is important that all groups are consulted about all areas of policy, not simply those into which we tend to pigeon-hole them.

Basically, we are now at the stage where the committee has technically signed off the research—we did that at our previous meeting—although we have not necessarily endorsed all the findings. By spring of next year, I imagine that we will be in a position to come to all the committees to discuss our findings. Prior to that, we shall consult the Procedures Committee along with the other committees. I am happy to answer questions on where we are so far.

It is interesting that, although some of the written submissions from the other organisations that are giving evidence today commend the work of the Equal Opportunities Committee, most of them say that it is important that we mainstream equal opportunities throughout the work of the Parliament's committees.

I thank the Procedures Committee for this opportunity. I am sure that I shall be back to give evidence in future.

**The Convener:** I am certain that you will.

You mentioned the selection of witnesses. Do the committee clerks get many approaches from other committee clerks? Do the committees generally seek suitable witnesses so that the main subject committees that are taking evidence on bills or are conducting major inquiries can take evidence from appropriate sources? Is that working well?

**Kate MacLean:** We have a huge database of organisations from which we can take evidence on a wide range of equal opportunities issues. As far as I am aware, the clerks are approached if any committee wants to take evidence on legislation or for an inquiry. All the clerks are aware that we have that information.

**The Convener:** For the sake of the *Official Report*, I should say that both clerks who are with Kate MacLean nodded vigorously. They are reluctant to say anything.

Are members happy to leave any detailed questioning on mainstreaming equal opportunities until later, when we have the substantive report? Does anyone have a burning question?

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I have a question.

**The Convener:** I knew that I should not have asked, but there you go.

**Mr McAveety:** I am not sure that we would have time subsequently.

We received a written submission from Christian Action Research and Education for Scotland, on which we will take oral evidence later, which legitimately criticised the Equal Opportunities Committee's use of reporters. How does the convener of the Equal Opportunities Committee feel about that? CARE for Scotland was one of the few organisations that were unhappy.

**Kate MacLean:** I read the submission, which criticised the fact that, of our four reporters, the reporter for race also covers religious discrimination. The submission also criticised the fact that the reporter does not deal with the point of view of religious groups or the evidence that such groups might submit on legislation and for inquiries. However, that should not be the reporter's remit, which is to examine discrimination.

Any organisation that wants to give evidence to any inquiry or on any piece of legislation is welcome to give written or oral evidence to our committee. Organisations can give evidence on a number of issues. For example, CARE for Scotland has done that.

However, the role of reporters is not to represent specific bodies of opinion per se, but to highlight discrimination in their area so that the committee can then take evidence from a wide range of organisations. The feelings of that organisation have previously been articulated to the committee.

**The Convener:** Next, we will hear from Dr Wilson McLeod, who is from Sabhal Mòr Ostaig. We shall need to put on headphones, as Dr McLeod intends to make his presentation in Gaelic.

**An t-Ollamh Wilson MacLeòid:** Madainn mhath dhuibh. Tha mi glè thoilichte a bhith còmhla ri bh an-diugh agus tha mi an comain na comataidh gun tug sibh cuireadh dhomh fianais a thoirt air ceist na Gàidhlig agus air coilionadh nam prionnsabalan a chaidh a chur an cèill ann an aithisg na buidhne-stiùiridh comhairleachaidh, no an CSG.

Is mise Wilson MacLeòid agus tha mi a-nis nam òraidiche ann an roinn na Ceiltis agus eòlas na h-Alba aig Oilthigh Dhùn Èideann. Ron seo, bha mi nam òraidiche aig Sabhal Mòr Ostaig, a tha na cholaiste Ghàidhlig anns an Eilean Sgitheanach. Bu chòir dhomh a dhèanamh soilleir an toiseach gu bheil mi a' bruidhinn às mo leth fhèin mar acadaimigeach a tha a' dèanamh rannsachadh air ceistean poileasaidh cànan aig ìre eadar-nàiseanta.

Is e co-ionannachd chothroman am prionnsabal as cudthromaiche ann an aithisg an CSG air dòighean-obrach na Pàrlamaid. A thaobh coimhearsnachd na Gàidhlig, tha seo a' ciallachadh gum bu chòir dhan Phàrlamaid a bhith fosgailte don Ghàidhlig agus do choimhearsnachd na Gàidhlig. Bu chòir don Phàrlamaid fàilte a chur air cleachdadh na Gàidhlig leis a' buill fhèin agus leis a' choimhearsnachd. Bu chòir dhan Phàrlamaid ceumannan prataigeach a ghabhail gus cleachdadh na Gàidhlig a bhrosnachadh agus a dhèanamh nas fhasa. Cha bu chòir don Phàrlamaid bacaidhean no cnap-starraidhean a thogail.

Ma tha sinn a' coimhead air obair na Pàrlamaid gu ruige seo, thathas a' faicinn tòrr adhartais, ach tha tòrr a bharrachd ri dhèanamh fhathast. Tha oifigear Gàidhlig ann a-nis a tha air leth comasach. Tha an abairt "Oifis na Gàidhlig" a' nochdadh air stàiseanaireachd an oifigeir ach, leis an fhìrinn innse, chan eil a' leithid de rud ann, oir tha an t-oifigear seo ag obair na aonar. Tha cruaidh-fheum air oifis Ghàidhlig cheart agus sgioba ag obair innte. Ma tha a' Phàrlamaid gu bhith a' coilionadh amasan an CSG, tha spèisealachadh agus proifeiseantachd a dhìth ann an libhrigeadh seirbheisean na Pàrlamaid do choimhearsnachd na Gàidhlig. Cha ghabh an obair a dhèanamh le aon oifigear ag obair na aonar, ge b' e cho comasach is a tha e.

Tha seo gu h-àraidh fìor a thaobh sgrìobhainnean na Pàrlamaid. Chaidh adhartas dha-rìribh a dhèanamh am bliadhna nuair a nochd aithisg bhliadhnail na Pàrlamaid ann an cruth Gàidhlig airson a' chiad turais. Cha robh againn ach geàrr-chunntas ron sin—rud nach robh freagarrach idir ma tha sinn ag obair a dh'ionnsaigh co-ionannachd. Cha chreid mi gum biodh luchd na Beurla riarachtaiche le geàrr-chunntas. Mar sin, is e adhartas dha-rìribh a tha sin.

A dh'aindeoin an adhartais seo, chan eil poileasaidh aig a' Phàrlamaid a bhith a' cleachdadh na Gàidhlig ann an sgrìobhainnean oifigeil na Pàrlamaid. Bidh rudan a' nochdadh bho àm gu àm ach chan eil rian no structar na chois. Às aonais sin, chan eil againn ach ad-hocery no tuisleachd is mì-chinnt. Tha tòrr a bharrachd ri dhèanamh fhathast.

Anns an litir sgrìobhte a chuir mi a-steach air 14 Cèitean, chuir mi mo chorrach air grunn riaghailtean na Pàrlamaid a tha a' cur bacadh air cleachdadh a' chànan ann an obair na Pàrlamaid. Tha English-only rules a' nochdadh an siud agus an seo, airson athchuingean, gluasadan, atharrachaidhean agus ceistean sgrìobhte dhan Riaghaltas. Tha na riaghailtean a' cumail a-mach nach eil e ceadachtaiche cànan sam bith ach Beurla a chleachdadh. Tha na riaghailtean seo a' cur bacadh air buill Pàrlamaid agus air a'

choimhearsnachd Ghàidhlig. Tha iad cuideachd gu tur an aghaidh molaidhean an CSG.

Tha riaghailt eile a' bacadh na Gàidhlig—riaghailt neo-fhoirmeil, tha e coltach—gum feum ball Pàrlamaid 24 uairean de rabhadh a thoirt ma tha esan no ise airson Gàidhlig a chleachdadh ann an obair na Pàrlamaid. Tha seo fada cus. Ged nach ann tric a bhios buill Pàrlamaid a' cleachdadh Gàidhlig, tha e cudthromach gum bi an cothrom aca agus gum bi e comasach Gàidhlig a chleachdadh gu nàdarra is gu cunbhalach seach dìreach air làithean sònraichte a-mhàin.

Anns an dealachadh, ma tha a' Phàrlamaid gu bhith a' coilionadh molaidhean an CSG a thaobh na Gàidhlig agus na coimhearsnachd Ghàidhlig, feumar cur an gnìomh poileasaidh Gàidhlig a tha farsaing, soilleir, iomlan. Saoilidh mi gu bheil tòrr ri ionnsachadh bho Sheanadh na Cuimrigh mu phoileasaidh chànan agus mu dhà-chànanas. Tha mi cinnteach, ge-tà, gu bheil cuid de dhaoine ann am Pàrlamaid a' faicinn dà-chànanas mar chaitheamh-airgid agus mar chaitheamh-ùine. Chanainn gu bheil an tuigse sin gu tur an aghaidh spiorad aithisg an CSG agus spiorad na h-Alba ùire.

Mòran taing airson an cothrom seo a thoirt dhomh. Ma tha ceistean sam bith agaibh, bhithinn tuilleadh is deònach am freagairt.

*Following is the simultaneous interpretation:*

Good morning. I am pleased to be with you today and am grateful to the committee for inviting me to give evidence on Gaelic and on the implementation of the principles contained in the CSG report.

My name is Wilson McLeod and I am a lecturer in the University of Edinburgh's department of Celtic and Scottish studies. Prior to that I was a lecturer at Sabhal Mòr Ostaig, which is the Gaelic college on the Isle of Skye. At the outset, I should make it clear that I speak personally, as an academic who is currently doing research on language policy at the international level.

Equality of opportunity is the most important principle stated in the CSG report on the Parliament's procedures. That principle means that the Parliament should be open to Gaelic and to the Gaelic community. The Parliament should welcome the use of Gaelic by its members and by members of the public. Practical steps should be taken to encourage and facilitate the use of Gaelic. The Parliament should not, as it were, throw up any roadblocks or barriers.

The Parliament has made a great deal of progress in its work so far, but a great deal remains to be done. The Parliament has a very capable Gaelic officer. On the headed paper that he uses, the phrase "Gaelic office" appears.

However, that is somewhat misleading, as there is nothing of that kind and the Gaelic officer works on his own. The Parliament has an urgent need for a real Gaelic office, which would employ a team of people. If the Parliament is to fulfil the aims of the CSG report, specialisation and professionalism are needed in the delivery of services to the Gaelic community. Such work cannot be done properly by an individual working alone, no matter how capable he is.

Great strides were made this year when the Parliament's annual report appeared in Gaelic for the first time. Previously, only an executive summary was published—an approach that is quite unacceptable if the principle of equality is to be fulfilled. I doubt whether Scotland's English-speaking population would have been satisfied with such an approach. Despite that progress, the Parliament still has no policy on the use of Gaelic in official parliamentary documents. Some things appear now and again on an ad hoc basis, but that is unstable and uncertain. There is still much to be done.

In the letter that I submitted on 14 May, I pointed out several procedural rules that obstruct the use of Gaelic in parliamentary business. There are a number of English-only rules in place, with regard to petitions, motions, amendments and written questions to the Executive. Those rules place obstructions before members of the Parliament and before the Gaelic community, and they go totally against the CSG recommendations.

Another obstacle to the use of Gaelic is the rule—it seems to be an informal operating procedure rather than a written rule—that a member of Parliament must give 24 hours' notice if he or she intends to use Gaelic in parliamentary business. That is far too much. Although members will not use Gaelic often, it is important that they have the opportunity to do so and that it is possible to use Gaelic naturally and regularly, and not only on special set-piece occasions.

If the Parliament is to fulfil the CSG recommendations with regard to Gaelic and the Gaelic community, it is necessary to implement a Gaelic policy in the Parliament that is clear, comprehensive and complete. Much can be learned from the Welsh Assembly with regard to operating bilingually. I am certain that there are those in the Parliament who see bilingualism as a waste of time and money, but that view is totally against the spirit of the CSG report and the spirit of the new Scotland.

Thank you for giving me the opportunity to speak to the committee today. I am prepared to answer any questions about what I have said.

**The Convener:** I thank Dr McLeod and the interpreter. Will you be answering our questions in

English or in Gaelic?

**An t-Oll MacLeòid:** B' fheàrr leam Gàidhlig a chleachdadh. Tha mi a' smaoineachadh gu bheil sin freagarrach.

*Following is the simultaneous interpretation:*

I would prefer to use Gaelic. I believe that would be appropriate.

**The Convener:** Did any members still have their headphones on, and can they tell me what the answer was?

**Mr Macintosh:** Dr McLeod said that he would prefer to answer in Gaelic.

**The Convener:** That will be perfectly all right. I shall have to keep my headphones on.

I would like to pick up on something that you said in your letter of 14 May—which you touched on again in the course of your presentation—about linguistic barriers. I hope that the committee has been through all those aspects. As far as I am aware, we have reached the point at which any motion or question in the Parliament can be lodged in Gaelic. Of course, we also require an English version for the great majority of us who do not have the Gaelic. I hope that you will acknowledge that we have tried to go through all those points. Whatever the rules are about English being the common language of the Parliament, we have been anxious to establish the right of those who wish to conduct business in Gaelic to do so. If you turn up other aspects that we have not covered, the committee will be perfectly happy to discuss them and extend the debate.

**An t-Oll MacLeòid:** Tha sin glè mhath agus glè ionmholta. Mar a bha na riaghailtean-sgrìobhte an toiseach bha bacaidhean ann. Mas e is gun deach an leasachadh, is sin deagh naidheachd. A thaobh amasan an CSG agus fosgarrachd, cha chreid mi gu bheil am fios sin aig coimhearsnachd na Gàidhlig. Is dòcha gu bheil ceist ann a thaobh sgaoileadh na deagh naidheachd. Tha mi cinnteach ma tha duilgheadasan a bharrachd ann gum bi sùil gheur ga cumail orra.

*Following is the simultaneous interpretation:*

You are to be praised for what you have done. The barriers were in place in the rules as they were first written, and it is only since matters have developed that the good news has come about. I do not think that everyone in the Gaelic community is aware of the CSG's aims or of the openness of the committee. We should be spreading the good news about that, but we should also keep a close eye on those matters.

**Mr Macintosh:** I should start by declaring an interest. My father is the chairman of Sabhal Mòr Ostaig.

**The Convener:** That is why you knew how to pronounce it.

**Mr Macintosh:** Indeed, although unfortunately I must say that I do not have any Gaelic myself.

10:15

**The Convener:** Other than your name.

**Mr Macintosh:** Indeed. The name Macintosh comes from the Gaelic word “toiseach”, which means leader. Given the number of First Ministers that we have had so far, perhaps I should put my marker down.

Many people approach Gaelic and other language issues as access issues, but the matter is very much about the need to promote equal opportunities—I emphasise “promote”. You make an interesting point about that in your submission. You go on to talk about the Parliament developing a strategy to promote Gaelic. I am interested in who should develop that strategy within the Parliament. In the Procedures Committee, we deal—obviously—with procedures. On developing a strategy, the two bodies that spring to mind are the Equal Opportunities Committee—I hope that Kate MacLean is not wincing as I suggest that—and the Scottish Parliamentary Corporate Body. Have you thought about which body in the Parliament should have the duty to promote equal opportunities and specifically to promote Gaelic?

**An t-Oll MacLeòid:** Feumaidh mi ràdh gur e rud a tha a’ bualadh air a h-uile ceist agus a h-uile pàirt de dh’obair na Pàrlamaid. A thaobh deasachadh poileasaidh, feumaidh grunn dhaoine a bhith an sàs ann—daoine a tha a’ riochdachadh gach pàirt de dh’obair na Pàrlamaid. Cuideachd, bhiodh e air leth cudthromach fianais is molaidhean is cuideachadh fhaighinn bho thaobh a-muigh na Pàrlamaid—agus bho thaobh a-muigh Alba, chanainn. Ma tha Gàidhlig gu bhith fillte a-steach dhan Phàrlamaid, feumaidh gach meur dhen Phàrlamaid a bhith an sàs san obair. Tha e glè mhath poileasaidh spaideil a bhith agaibh ach feumar a choilionadh agus a chur an gnìomh. Feumaidh a bhith a’ gabhail a-steach a h-uile duine, aig deireadh an latha.

*Following is the simultaneous interpretation:*

That is something that touches on all aspects of the Parliament’s work. People who are involved in all aspects of the Parliament’s work need to be involved in preparing such policy. It is also important that evidence and recommendations should be sought from outwith the Parliament. If Gaelic is to be part of the Parliament, every area of the Parliament must be involved. It is great to have an attractive policy, but it must be implemented and, at the end of the day, it must include everybody.

**Mr Macintosh:** You are obviously saying that promotion of Gaelic should be mainstreamed. Equal opportunities should be mainstreamed through the Parliament—it will be—but the question of who should develop the strategy for promotion is slightly different. If development is dispersed too widely, no one will take charge of the strategy and we will be in the situation to which you refer in which we will implement a lot of initiatives without having a clear idea about why and to what purpose.

**An t-Oll MacLeòid:** Gun a bhith ro fhiosraichte mu dheidhinn structar na Pàrlamaid, tha fios agam gu bheil buidheann thar-phàrtaidh agaibh air gnothaichean Gàidhlig. Tha fios nach eil an t-uabhas cumhachd aig a’ bhuidheann sin, ach is dòcha gur e sin am buidheann as cudthromaiche a th’ ann. Is dòcha gum faodadh barrachd chumhachdan a thoirt dhan bhuidheann sin airson a leithid de dh’obair a chur an gnìomh.

*Following is the simultaneous interpretation:*

I do not know too much about the structure of the Parliament, but I know that there is a cross-party group on Gaelic in the Scottish Parliament. I know that it does not have much power, but perhaps that is the most important group and perhaps we should give it more power and responsibility to implement Gaelic policies.

**Mr Macintosh:** I should also declare an interest as a member of the cross-party group on Gaelic. The group suffers from low attendance, so we are probably not the body that could implement the policy.

Another issue that you address in your submission is resource implications, which is mentioned in all the submissions that we have received from today’s witnesses.

You make a couple of specific recommendations on how official documents should be printed and translated and on the establishment of a translation unit. Have you thought about the resource implications for the Parliament? How should the Parliament reach a decision about balancing resource implications and promoting equal opportunities?

**An t-Oll MacLeòid:** Tha mi cinnteach gur e sin a’ cheist as cudthromaiche agus as duilghe. Gun teagamh, tha cosgaisean an lùib poileasaidh chànain, ach tha tòrr rudan a ghabhas dèanamh. Mar eisimpleir, a thaobh fastadh daoine san fharsaingeachd, dh’fhaodadh cuideam a chur air dà-chànanas mar sgil a tha luachmhor. Gu tric, tha daoine ann a tha dà-chànanach agus aig a bheil sgilean a ghabhas leasachadh. Mura bheil daoine a’ coimhead air ceistean sgilean cànan ann a bhith a’ fastadh dhaoine, aig deireadh an latha is dòcha nach bi sgilean am measg an luchd-obrach.

Nam biodh daoine a' cur cuideam air rudan mar sin agus a' cantainn gum biodh e feumail nan robh Gàidhlig aig luchd-obrach, tha mi cinnteach gum biodh sgilean a' leudachadh am measg dhaoine. Nan robh cuideigin ag obair a' dèanamh sgrìobhainnean Gàidhlig, bhiodh obair air taobh na Beurla ann dhaibh cuideachd. Bhiodh an aon neach comasach air an dà rud a dhèanamh gu ìre.

Chan eil mi a' cantainn gu bheil sinn gu bhith a' cosg mìltean de notaichean dìreach air taobh na Gàidhlig. Ma tha daoine fosgailte agus ma tha daoine a' coimhead air adhart, bhiodh e comasach cuid de na duilgheadasan fhuasgladh. Gun teagamh, tha cosgaisean ann agus feumar cothromachadh a dhèanamh eadar an dà rud, eadar cosgaisean agus adhartachadh a' chànain. Tha sinn uile mothachail air sin. Chan eil coimhearsnachd na Gàidhlig airson iartasan mì-reusanta a chur romhaibh. Chan eil duine sam bith a' moladh sin.

*Following is the simultaneous interpretation:*

I am sure that that is the most important question and the hardest one to answer. Costs are undoubtedly involved in implementing a Gaelic policy. However, many things can be done. For example, bilingualism can be emphasised when employing people. There are often bilingual people whose skills can be developed, but if nobody is considering language skills when employing people, the workers who are employed will not have the necessary skills. If employers emphasised the importance of language skills and said that it would be useful if employees spoke Gaelic, skills could be developed within the Parliament. If somebody is working on writing in Gaelic, they should also work on writing in English, so that they are capable of doing both.

I am not saying that we should spend millions of pounds just on Gaelic. If people are open and if people are forward-looking, it will be possible to solve some of these problems. We must strike a balance between costs and promotion of the language. We are all aware that there is a resource issue, but the Gaelic community is not making unreasonable demands.

**Fiona Hyslop (Lothians) (SNP):** I apologise to the witnesses for the fact that I might have to leave the meeting early because the loss of 1,000 jobs in my constituency has been announced. I will stay for as long as I can.

In your submission you state:

"The Parliament's approach can be described as one of linguistic tolerance".

That is quite harsh. Obviously, there have been developments that allow Gaelic to be used in the procedures of the Parliament. You made your submission in May. Do you still think that the Parliament can be accused of merely tolerating

Gaelic, rather than encouraging and promoting it, which was the original intention?

**An t-Oll MacLeòid:** Is sin ceist chudthromach agus chan eil i furasta. Is dòcha gu bheil e rud beag cruaidh le bhith a' cantainn gur e "linguistic tolerance" a tha ann. Air an làimh eile, tha adhartas agus cion-adhartais ann aig an aon àm. Feumaidh mi sin a ràdh. Tha àite gu leòr ann airson na Gàidhlig ach, air an làimh eile, is ann air an iomall a tha i. Tha mi a' smaoinèachadh gum bi e comasach iomhaigh dà-chànanach a thoirt seachad, a bhith nas fhosgailte ris a' chànan le bhith a' freagairt litrichean mar bu chòir agus a' foillseachadh barrachd sgrìobhainnean. Tha tòrr rudan a ghabhas dèanamh. Is dòcha nach eil adhartas gu leòr ann fhathast.

Is dòcha gu bheil e rud beag cruaidh le bhith a' cantainn "linguistic tolerance", ach tha mi a' smaoinèachadh gur e sin, ann an dòigh, an seòrsa compromise a thathas a' dèanamh. Tha tòrr dhaoine ann, is dòcha, nach eil a' cur mòran luach air a' Ghàidhlig, ach tha tòrr dhaoine ann a tha ga faicinn air leth luachmhor. Aig deireadh an latha, thathas a' dèanamh rèiteachadh gun an t-uabhas a dhèanamh.

*Following is the simultaneous interpretation:*

That is an important question, but it is not easy to answer. Perhaps I was being a bit harsh when I said that the Parliament's attitude was "one of linguistic tolerance". Progress has been made, but at the same time there is a lack of progress. There are many ways in which Gaelic is on the margins of the Parliament's work. Much more could be done. The Parliament must project a more bilingual image and be more open to answering letters in Gaelic in an appropriate manner. More bilingual documents must be published. Many things are possible, but more progress is needed. The term "linguistic tolerance" is perhaps a bit harsh, but a compromise is being made in the Parliament. Many people do not attach any worth to Gaelic, whereas others see it as being very worthy. At the end of the day, the Parliament is trying to keep the peace by not doing too much.

**Fiona Hyslop:** Have you noticed differences between the Executive's approach to the use of Gaelic and the Parliament's approach to the same issue?

**An t-Oll MacLeòid:** Is e rud ùr a tha ann an Riaghaltas na h-Alba ach, ann an dòigh, tha leantainneachd aige bho Oifis na h-Alba. A chionn is gur e rud ùr a tha ann am Pàrlamaid na h-Alba le structaran ùra air an cur air chois, tha mi a' smaoinèachadh gu bheil a' Phàrlamaid nas fhosgailte. Ann an dòigh, tha seann chleachdaidhean Oifis na h-Alba a' cumail a' dol leis an Executive. Is dòcha nach eil Riaghaltas na h-Alba a' coimhead cho fosgailte is a tha a' Phàrlamaid. Tha e doirbh a ràdh.

*Following is the simultaneous interpretation:*

The Scottish Executive is in some ways a continuation of the Scottish Office. Because the Scottish Parliament is new and new structures are being put in place, it is more open. Some old Scottish Office procedures continue in the Scottish Executive, so it does not seem to be as open as the Parliament. However, it is difficult to say what the differences are.

**Fiona Hyslop:** In your submission you say that you are

“concerned that the Gaelic Officer has both too much and too little to do.”

I get the impression from your evidence that development of the use of Gaelic in the Parliament is a journey. We cannot do everything at once, but is the pace of the journey to your satisfaction?

In your submission you refer to the use of Welsh in the Welsh Assembly. To what extent should we consider the use of Irish Gaelic in the Dáil? Can we make realistic comparisons between the situation here and the situation in the Dáil?

**An t-Oll MacLeòid:** Gu dearbha fhèin, tha sin feumail dha-rìribh. Tha Dàil Èireann air a bhith a' cleachdadh na Gaelige airson 80 bliadhna a-nis. Tha tòrr eachdraidh agus sgilean aig an Dàil. Tha rudan mar phroifeiseantachd, air an robh mi a-mach na bu tràithe, aca ann an Èirinn gun teagamh. Is e an rud mu dheidhinn na Cuimrigh gu bheil i cho faisg oirnn agus gun deach sgaoileadh cumhachd a dhèanamh dhi aig an aon àm. Mar Alba, tha Cuimrigh a' feuchainn ri structaran ùra a chur air dòigh an taobh a-staigh na Rìoghachd Aonaichte. Is dòcha gu bheil an eisimpleir sin nas fhaisge oirnn ach, gun teagamh sam bith, tha tòrr ri ionnsachadh bho Phoblachd na h-Èirinn.

*Following is the simultaneous interpretation:*

There is no doubt that such comparisons are useful. Irish Gaelic has been used for 80 years in the Dáil. The Irish have a great deal of skill, experience and professionalism in using the language.

I referred to the place of Welsh in the Welsh Assembly because the situation in Wales is so similar to ours. Like us, the Welsh are trying to put in place new structures within the United Kingdom. Perhaps the situation in Wales is more similar to our situation than is the situation in the Republic of Ireland. However, there is no doubt that we can learn a great deal from Ireland.

**The Convener:** There have been three or four debates in which a reasonably significant amount of Gaelic has been spoken. Given the number of debates that have taken place during the two and a bit years in which the Parliament has existed, that is not a great deal. However, members are

rather pleased when Gaelic is spoken. There has been support for the couple of members who are learning the language and who are not very fluent—sometimes the interpreter does not quite catch their meaning. We are positive about the use of Gaelic.

As far as I am aware, there is no prohibition on Gaelic being spoken in any debate. The two members who are fluent Gaelic speakers do not choose to speak it often and that is their choice. None of us is concerned that they are being prevented from speaking Gaelic.

There is a difference between the principle of promoting and encouraging Gaelic as part of cultural policy and the use of Gaelic to promote social inclusion. In the annexe to your submission, you give some useful figures showing the number of people who read and write Gaelic. Is it reasonable to suppose that the 30,000 or so people who can write Gaelic—who are, I suppose, the core Gaelic-speaking community—are also fluent in English, or are we dealing with an issue of social inclusion? Are there people in Scotland who are Gaelic speaking and Gaelic thinking and who struggle to cope with English? My question is about the use of Gaelic as a measure of equal opportunities, rather than about the cultural promotion of Gaelic.

**An t-Oll MacLeòid:** Chanainn dà rud. Chan eil e ceart a ràdh gur e na daoine aig a bheil comas-sgrìobhaidh na Gàidhlig a tha aig cridhe na coimhearsnachd. Ann an dòigh, is dòcha gur e na daoine a tha nas treasa a thaobh na Gàidhlig—deagh chuid dhiubh co-dhiù—an fheadhainn a tha ga cleachdadh mar chiad chànan gu tric. Tha mi a' ciallachadh daoine anns na h-Eileanan an Iar gu h-àraidh, nach d' fhuair foghlam ann an Gàidhlig agus mar sin air adhart.

Ann an dòigh, chan eil ceangal eadar comas-sgrìobhaidh ann an Gàidhlig agus dè cho cudthromach is a tha e dha na daoine. Gun teagamh, tha daoine ann a tha nas comhfhurtail ann an Gàidhlig, ach cha bhiodh e fìor a ràdh gu bheil daoine ann nach eil a' tuigsinn Beurla. Tha siostam foghlaim air a bhith ann an Alba airson còrr is 120 bliadhna a tha a' sparradh Beurla air daoine. Bha an Riaghaltas a' cleachdadh foghlaim mar inneal-marbhadh na Gàidhlig airson ficheadan de bhliadhnachan. Mar sin, chan eil e na iongnadh gu bheil daoine comasach gu leòr ann am Beurla.

Ma tha sinn gu bhith fosgailte do dhaoine, bu chòir dhan Riaghaltas agus dhan Phàrlamaid taghadh cànan a thoirt do dhaoine. Ma tha duine ag iarraidh Gàidhlig a chleachdadh, bu chòir dhan Phàrlamaid a bhith fosgailte dhan sin.

*Following is the simultaneous interpretation:*

It is not true to say that those who are able to

write Gaelic are at the heart of the Gaelic-speaking community. Many of the strongest supporters of Gaelic are people who speak Gaelic as their first language. I am talking about people, particularly in the Western Isles, who were not educated in Gaelic, for example. There is no connection between the ability to write in Gaelic and how important the language is to people.

There are certainly people who are more comfortable with Gaelic than they are with English, but it would not be correct to say that there are people who do not understand English. The education system has for more than 120 years been forcing English on people. For many decades the government used education as an instrument to wipe out Gaelic. As such, it is no surprise that people are now quite competent in English. I do not think that the Parliament should stop giving people the opportunity to use whatever language they want to use—the Parliament should be open to that.

**Professor McCrone:** I will speak to you as one academic to another. One issue that people find difficult to handle is the relationship of Gaelic to other languages. Those languages include what we call standard English, Scots and the other so-called minority languages that are now spoken in Scotland. What is your view on Gaelic's position vis-à-vis other languages?

10:30

**An t-Oll MacLeòid:** Is e ceist gu math diofraichte a th' ann a rèir dè an cànan a th' ann. A thaobh Albais, tha an suidheachadh gu math eadar-dhealaichte. Mar eisimpleir, tha mi a' smaoinneachadh gu bheil a' mhòr-chuid de na daoine ann an Alba agus san Phàrlamaid a' tuigsinn Albais agus a' mhòr-chuid ga bruidhinn, is dòcha. Tha sin gu tur eadar-dhealaichte ri, can, Cantonese far a bheil buidheann de dhaoine anns na bailtean mòra a' tuigsinn a' chàinain. Tha e a' crochadh air dè an cànan a th' ann.

A' dol air ais gu ceist an neach-gairm mu dheidhinn daoine a bhith a' tuigsinn chànanan eile agus ceistean a bhith fosgailte do dhaoine agus co-ionannachd chothroman, ma tha daoine ann nach eil a' tuigsinn Beurla—agus tha na mìltean dhiubh ann—gun teagamh sam bith feumaidh a' Phàrlamaid a bhith fosgailte dhan sin. Tha sin air a bhith na phoileasaidh na Rìoghachd Aonaichte airson iomadach bliadhna.

Tha e a' cur iongnadh air coimhearsnachd na Gàidhlig gu bheil tòrr stuth a' tighinn a-mach bhon Riaghaltas ann an cànanan Aisianach nach eil ri fhaighinn ann an Gàidhlig—gu h-àraidh stuth bho Lunnainn mu dheidhinn taghaidhean, sochairnean sòisealta agus tòrr nithean mar sin. Tha mi a' smaoinneachadh gu bheil feum air poileasaidh a tha a' dèiligeadh ri iomadh seòrsa càinain. Chan eil

e ceart a bhith a' cantainn gum feum co-ionannachd a bhith ann airson a h-uile rud. Tha suidheachadh na Gàidhlig eadar-dhealaichte bho shuidheachadh Albais, Urdu agus Cantonese. Feumar poileasaidh fa leth a chur air dòigh airson gach cànan. Tha mi cinnteach gu bheil buill na comataidh eòlach air an aithisg chudthromaich, "Language and Literacy Policy in Scotland", a nochd bho chionn ghoirid leis an Ollaimh Joe Lo Bianco. Tha mi a' moladh na h-aithisg sin dhan a h-uile duine airson freagairtean fhaighinn air na ceistean duilich agus iomadh-fhillte seo.

*Following is the simultaneous interpretation:*

The question is different depending on which language we are talking about. For Scots, the situation is different. Most people in Scotland and in the Parliament understand Scots to some extent, and many people speak it. That is completely different from the situation with Cantonese, for example, which a group of people in the cities understand. It all depends on which language you are talking about.

I will return to the convener's question about whether people understand other languages, questions on whether Parliament is open to people, and questions on equal opportunities. If there are people who do not understand English—there are thousands of them—Parliament must be open to them. That has been the UK policy for many years. It surprises the Gaelic community that so much is published concerning elections, social security benefits and so on by the Executive and in London in Asian languages. We need a policy that deals with all kinds of languages. It should not be said that everything should be equal. Gaelic is different from Scots, from Urdu and from Cantonese. Every language needs a specific policy.

I am sure that committee members are aware of Joe Lo Bianco's report "Language and Literacy Policy in Scotland". I recommend it in order to provide answers to the difficult questions that have been asked today.

**The Convener:** In our papers today, we have a copy of a letter that I wrote to Sir David Steel at the end of 1999 about the development of language policies. Did you receive a copy in your papers, Dr MacLeod?

**An t-Oll MacLeòid:** No.

**The Convener:** For your information, we have written to the Presiding Officer about the development of language policies. The latest position is that work is continuing and papers will be produced. We have noted that and—since you have done us the courtesy of coming to speak to us this morning—we will make sure that you are made aware of the outcome of that work when we receive the documents in question. Thank you for

your time this morning.

The next person on my list is from the Disabled Persons Housing Service. This is a day for exposing my linguistic inadequacies. Do I pronounce your name Wladyslaw Meshka?

**Wladyslaw Mejka (Disabled Persons Housing Service):** Wladyslaw Mejka.

**The Convener:** Oh well, I was reasonably close.

**Wladyslaw Mejka:** Good morning. Before I address the issues that committee members are particularly interested in, I will set the context for the DPHS evidence. First, I represent an independent user-led organisation, in that disabled people govern the organisation. When I look at the list of other organisations that are present I am saddened to see that the DPHS is in a minority, because most of the other organisations are what I would politely describe as part of Scotland's great and good.

In addition, the acoustics of the chamber are awful. Even with the electronic amplification that is available, I have been struggling to hear some of the contributions. That is partly because I have a hearing impairment, but also because I am conscious of the acoustics. The headphones that we used to listen to the translation of the previous speaker were good at picking up most of the rest of the people who have spoken, including some who occasionally had their hands near their mouths, which disguises what is said. I hope that when we get to the end of what I have to say—I assume that members will have questions—I will be better able to pick up what you say by using the headphones.

The committee is particularly interested in the CSG principles, and in the views of organisations in Scotland that are looking to the Parliament to change what is happening in Scotland. We were interested in the principles and submitted what was for us a brief response. Normally, we would have responded at length, but for reasons to do with the number of requests that we receive from the Procedures Committee, its colleague committees and from various other organisations, time was pressing. We addressed the primary headings and examined them from the point of view of how they affect our organisation and the community of people with whom we work and whom we represent. We also took a wider look at what was happening in Scotland.

One of the major headings was on the sharing of power, under which it was asked whether the Scottish Parliament is achieving its broad objectives, and whether the Procedures Committee is helping the Scottish Parliament to adhere to the basic principles that were set down early. Our answer has been and continues to be that the CSG objectives will always be difficult to

achieve. The Scottish Parliament has not been an exception in encountering such problems, of which there have been a number of practical examples. An illustration of that is to be found in the Scottish people's opinion of the Parliament and its work, which is not as high as I am sure members aspire for it to be.

On the basic question whether sharing of power is being achieved, the DPHS asks what sharing power means, and what is its purpose. We have presumed that the purpose of the Parliament's sharing of power is to achieve an inclusive society. If that is the purpose, to share power meaningfully the Parliament must bring in and put at the heart of its work on policy development, planning and service delivery the very people who are excluded and who are the object of Parliament's attention.

In practical terms, the creation of the Scottish Parliament by devolution from Westminster was an obvious and radical example of power sharing. From the DPHS point of view, the next obvious step—after the Scottish Parliament had acclimatised to having that power—was for the Scottish Parliament to continue to cascade power sharing downwards in a number of different ways. The DPHS regards that as unfinished business of the Scottish Parliament, in so far as that cascade is stuck here with committee members and their colleagues.

The processes that programme and regulate the business of Parliament seem to have delivered what has been required and what was set out as Parliament's objectives, with one particularly obvious and embarrassing exception, which is the construction of the Parliament's new home. The transparency and accountability surrounding that continues to bring the Parliament, its members and Scotland into disrepute. In terms of sharing power, the Parliament and the Procedures Committee must be clear about what they mean to do by sharing power. I have articulated the DPHS view on that.

You also asked about the perception of the accountability of the Parliament and the Executive to the Scottish people. We take the view that that accountability has, in great part, worked well with the systems that the Parliament has put in place, but there are two obvious areas that should be examined, one of which is the distinction between list MSPs and directly elected members. We do not need to go into that in great detail, except to underline the fact that the distinction has been—in particular for the Scottish voting public—a source of considerable confusion. The distinction does not work for constituents, for whom it is supposed to work. The sooner that confusion is cleared up, the better it will be for Scotland's people, MSPs and the Parliament.

The other area that the committee should



examine is Parliament's asking organisations and people like us to comment—in comprehensive-context terms but also in detailed terms—on spending plans, spending proposals, the existing budget and next year's budget. The manner in which that information is presented to us is appallingly opaque.

I suspect sometimes that the minister with responsibility for finance who produces that information does not quite grasp it entirely himself or herself. For that minister to ask us to understand the information so that we can give the Parliament decent, detailed and reasoned comment is to put a difficult, if not an impossible, task our way. The Parliament must present the DPHS and other organisations outside the Parliament with current and forward spending plans in a format that most people can readily follow and understand and in which they can track their areas of concern. At the moment, the process is not transparent and it cannot therefore be regarded as an effective part of the accountability process.

As a body, the Parliament has succeeded very well in many areas in relation to the principles of accessibility, openness and responsiveness. However the DPHS would like to bring two matters to members' attention and to ask for action to be taken to improve a very good performance. One matter is the sheer volume of issues on which the Parliament wishes to hear the views of organisations and people in Scotland. For many of us it is simply not possible to respond, in time or in the depth that would be appropriate.

I ask members to remember that, in the process that lead to the Housing (Scotland) Act 2001, the Parliament and its committees wanted comments from organisations such as the DPHS. Once that act was passed, local authorities wanted comment from and involvement of organisations such as the DPHS to help them to develop the strategies and various other frameworks that required immediate implementation. Organisations such as the DPHS were not geared up or resourced to undertake that degree of partnership working.

Also under the headings of accessibility, openness and responsiveness, we believe that the Parliament and its many committees have fallen into the trap of becoming Edinburgh-centric. Members have simply not gone out and got a life outside Edinburgh—that has not been done often enough, frequently enough or obviously enough. The Parliament's being Edinburgh-centric is part and parcel of the inevitable trap—very obvious in the Westminster model—in which attendance at meetings such as today's is by the pool of usual suspects who turn up and provide members with the same sort of evidence that they have heard before. We end up with a small minority of Scottish

people and organisations helping members of the Scottish Parliament—another small minority—to develop policy and practice that will affect everyone in Scotland and yet which is drawn from the views and aspirations of a small minority.

There needs to be review, self-assessment and monitoring of progress on implementing the CSG principles. We have looked at the question and philosophy of audit as it applies to how the Scottish Parliament has done and how it should be doing. We believe that the Parliament should be asking people outside the Parliament to audit part of the Parliament's progress. The Parliament should formally commission such audits, because that would provide independent—indeed, overtly independent—audit and publication of the progress of the Parliament's performance.

**The Convener:** Thank you. I can only apologise for the acoustics. As the building was designed and constructed several hundred years ago, we cannot take too much responsibility for its acoustics. I assure you that the new Parliament building is intended to have a chamber and committee rooms where the acoustics are excellent and the sound systems are state of the art. Even if you do not like the new building very much, you should find it possible to operate more effectively in it. Members would agree with your comments about the opaque language of the budget proposals. We do not produce the budget—that is the responsibility of the Executive. We struggle with the opaque language as much as anyone else does. We cannot take the blame for that, but we are happy to discuss the other areas that you raised.

What are you saying to us about the amount of consultation? I appreciate that a lot of consultation means that organisations have to do a lot of work. However, I presume that you must be happy for the Executive, the committees of the Parliament and local authorities to ask you to contribute your ideas and insights. I presume that the reward for all that extra work is knowing that you are influencing policy and achieving more than you did before the Parliament was established. Is that a fair summation?

10:45

**Wladyslaw Mejka:** It may be a summation, but I hesitate to concur that it is fair.

The convener and members must remember that organisations such as the DPHS were established to tackle problems—which, in the case of the DPHS, are self-evident—with a view to identifying the problems in mainstreaming practice so that organisations such as the DPHS could go away again to the not too distant future.

The Scottish Parliament is a relatively recent

addition to the Scottish landscape. Organisations such as the DPHS pre-date the Scottish Parliament. In 1995, when the DPHS was established in Lothian, neither the Scottish Parliament nor its consequential impact on local authorities was written into our business plan.

Members must remember that the Scottish Parliament is relatively new. Members must also remember that the consequence of the fact that they are working very hard—and of their being open and transparent and trying to be accountable—is that organisations such as the DPHS are not resourced to respond. I cannot speak for quasi-statutory organisations such as the Disability Rights Commission and the Equal Opportunities Commission, but we struggle damn hard to keep up with the demands that are made by the Scottish Parliament and with those that have been created and generated indirectly by the Parliament from local authorities and others.

Consultation is good, but the Parliament cannot go on making the same level of demand without, at the same time, looking at the voluntary sector in the round and saying, “Have we given additional resources to the voluntary sector across the board to help it cope and work in partnership with us?”

**Mr Macintosh:** I asked Dr McLeod the question that I am about to put to you. In your written submission, you comment on the body that should take responsibility for mainstreaming equal opportunities and for driving and supervising the strategic overview of that process. Is it fair to say that that would be the Equal Opportunities Committee?

**Wladyslaw Mejka:** Yes.

**Mr Macintosh:** You go on to say that the mainstreaming of equal opportunities

“will require decades of focused work”.

The Equal Opportunities Committee is working on a set of mainstreaming tools and helpful criteria on which to take decisions. Those resources should help all MSPs and committees of the Parliament in their work. Why should mainstreaming of equal opportunities

“require decades of focused work”?

**Wladyslaw Mejka:** The Parliament and the Executive have to have a debate to decide whether the philosophy of equal opportunities, and its pursuit and delivery, is to remain what I describe as a soft option. That can best be summarised as the philosophy that appears in a lot of organisations’ advertisements, which say that they are working towards equal opportunities.

DPHS believes that we need to grow up and get past the stage of working towards something. We need to say that we are going to achieve it. Although that might seem like a fine distinction,

one of the practical ways of manifesting it would be to provide the Equal Opportunities Committee with the means—I leave it up to Parliament how that would be achieved—that would ensure that that committee had the power to block legislation that was not properly equality-proofed.

I understand that the Equal Opportunities Committee has the respect of the Parliament. If the Equal Opportunities Committee presents amendments to legislation, those amendments will more than likely be agreed to. However, I also understand that there is no clear procedural guidance on that. Every piece of legislation must be equality-proofed by the Equal Opportunities Committee and its equality-proofing must be incorporated into the legislation.

**Mr Macintosh:** Do you think that we could achieve that by increasing the powers of the Equal Opportunities Committee and by other institutional measures? Do you think that the Parliament—the members and the institution—is promoting equal opportunities? If it is not, do we require institutional change?

**Wladyslaw Mejka:** We are going back to what I said earlier. The Parliament and its members are promoting equal opportunities, but it sounds as though we are still arguing the case for equality of opportunity. That is not a live argument—we have finished that argument and we need to move on. Now, we must focus on delivery.

**Fiona Hyslop:** I was interested in what you said about participation, particularly by those organisations that are, as you said, quasi-autonomous. There is an issue about independence and participation budgets. If the Executive were to fund organisations directly and those organisations then provided policy input and advice to the Executive, there would be a circle that might constrain people unnecessarily. Might it be more appropriate for the Parliament to hold a participation budget, which would enable those organisations on which we are placing demands to access funds to play a full part? Would that be a reasonable way to address your concerns?

**Wladyslaw Mejka:** I would regard that as a positive move, but I would caution you against seeing it as the answer. Such a budget would be a good element in a range of options that should be offered to organisations.

I am conscious that much of the voluntary sector comprises organisations that are run by one person working out of their bedroom or garage. Such people would not be able to take on the additional resources that were offered to employ a part-time or short-term researcher. The Scottish Parliament should have a participation fund as the cornerstone of its policy, but should also offer such small organisations access to a pool of researchers and consultants. I point the committee

towards Lloyds TSB Foundation for Scotland, which provides such a resource to voluntary sector organisations. There are limits to what Lloyds TSB Foundation for Scotland can fund year on year. The Scottish Parliament could add to that pool of consultants, researchers and policy advisers who are available on call to small voluntary organisations. That would be another real support.

**Susan Deacon:** A recurrent theme in your written submission and your comments this morning is the need for focus on priorities for delivering change. That requires the right resources in the right place—you focused on that point as well.

Will you elaborate on how the process of prioritisation and aligning resources could be fostered more effectively by the Parliament, particularly in discussions about budgets and the use of resources? The budget documents from the Executive form one part of that process and, as has been mentioned, that is not really a matter for the Procedures Committee. However, a wide range of discussions takes place around those documents. What could be done to ensure that Parliament is engaged in prioritisation through the budget discussions and the discussions on sustainability? You make the point in your submission that we must think not about the next 12 months, but about the next 10 or 20 years.

**Wladyslaw Mejka:** Part of the answer would be to go back to first principles. I emphasise that I am speaking on behalf of the DPHS. The Scottish Parliament needs to bring in the people who are currently excluded. Much of what the Scottish Parliament, the Executive and its policies and practices are focused on is recognising that exclusion exists—in terms of the language that we speak or the conditions in which we live—and that we need to do something about it, including directing resources towards it. The fundamental principle of the DPHS is that in order to sustain that—social inclusion work has been under way since the end of the second world war, but we are still in this position—the Government must, more than ever, involve the very people who are excluded. For the past 50 years, those people have had things done to them.

In terms of resources and prioritisation, we would use a practical example to illustrate where those resources could come from. I am sure that most members know that the provision of adaptations to a person's home in Scotland depends on the kind of tenure that that person has—whether they are an owner-occupier, or live in a housing association property, the private rented sector or one of the few council properties left. People who have those tenures must follow different routes, as must the funding, to reach the same end—a home that is properly adapted.

Over the past 50 years, we have created a vast bureaucracy to deliver a simple product. By stripping out that bureaucracy and setting up an agency that is focused on what people need, rather than on creating, monitoring and auditing different funding flows—all of which ultimately come from the Scottish Executive—to an individual's home, we could create person-centred work and user-led organisations that would deliver a higher quality product more efficiently and effectively. We think that that could achieve higher quality work within current budgets. Scope exists for that change across the spectrum of services—health, community care and housing. The secret is to include the people whom you are supposedly setting out to help.

**Susan Deacon:** Would it be reasonable to suggest that you feel that the various current processes do not enable the type of discussion and consideration that you have described?

**Wladyslaw Mejka:** They do not enable it—they positively prohibit it.

**Mr McAveety:** Could you expand on the point in your submission about the Parliament having an Edinburgh-centred focus? Can you explain how Edinburgh captured me?

**Wladyslaw Mejka:** From the very early days of the Parliament and its committees, I understood that there was a commitment not to fall into the Edinburgh-centric trap. Towards the end of the first year, I recall reading some rumblings about whether the Parliament could afford to meet the commitment of not staying and working in Edinburgh. That was the last that I heard. I do not claim to drop into your website every day to find out about discussions on all aspects of parliamentary business—I expect my daily reading of newspapers to keep me up to date with major issues. However, the issue of the Parliament being Edinburgh-centric has disappeared below the horizon.

I confess that I do not know what the Parliament and you as members have done about the initial commitment to get out of Edinburgh. However, I know from reading the agendas of the various committees in which I have a particular interest and seeing the venues for those meetings that you are stuck in Edinburgh. You are not getting out to the people of Dundee and Aberdeen or going down to Jedburgh and Dumfries. In those places you will find many people who want to talk to you and give evidence that will not be delivered by men in suits or by professionals who do nothing other than sit in rooms such as this one and answer questions. You need to hear from more real people, with real experiences, who have joined together and formed their own organisations.

11:00

**Mr McAveety:** I do not disagree with that. There is probably evidence to show that some committees in particular have made genuine efforts to travel to venues throughout Scotland, although I am not convinced that, if I were to take a train from Glasgow to Hawick, that would make it different from coming to Edinburgh. I am convinced about the quality of the evidence that we receive, in whatever form. One of the advantages of the Scottish Parliament is that, because the electoral system is proportional, a wider variety of views is part of the overall discussion. That is welcome.

Everybody brings something from their area, whether they are from rural Scotland or urban Scotland. It is a myth that members divest themselves of who they were before they arrived in the Parliament and are captured by an Edinburgh suit—I should say that the suits that I have seen in Edinburgh are not impressive, compared with those in Glasgow. The myth is peddled that there is some sort of difference when people are in Edinburgh. Could you expand on that point and reassure me?

**Wladyslaw Mejka:** This is true on a number of levels, because it always takes two to have a discussion. You must remember that the Parliament is your daily place of work and that it quickly becomes your place. A visitor must come to meet you in your office. This is your territory—whether it is the debating chamber, a committee room or your office—and that makes it difficult for people, as it can make them uneasy, nervous and uncomfortable. That is one of the many psychological reasons why it is necessary for members to get out and about to meet people on their own territory.

For some people, the business of organising a journey from Hawick to Edinburgh—whether to a committee room or the chamber—and the finances that are involved in coming to appear before MSPs for three to 10 minutes may be too much. They may think that, on balance, it is not worth their while. Disabled people have added difficulty in organising a simple journey, even if they can afford it and have confidence that they will gain a reasonable hearing. The difficulties that are involved for many disabled people in planning a journey from Hawick to Edinburgh, or Hawick to Glasgow, are so onerous that they will often give up. However, if a parliamentary committee goes to them, that reduces the number of things that they have to consider in deciding whether it will be worth their while to meet members.

Part of the Edinburgh-centric problem is that MSPs presume that travel will not be a consideration, because Edinburgh is relatively easy to get to. The fact that MSPs, consciously or

subconsciously, expect people to come to them is part of the problem. MSPs must get out to people.

**The Convener:** Frank McAveety was late this morning because he was trying to work out how to get from Glasgow to Hawick by train.

**Mr McAveety:** I was trying to get from the committee building to the chamber.

**Kate MacLean:** Wladyslaw Mejka said, in his submission, that the Equal Opportunities Committee should have extended powers in equality-proofing legislation. The Equal Opportunities Committee has had a time problem. One committee does not have time to examine every bill. Some aspects are missed and sections of the community that are discriminated against are not getting the best possible service.

Our view is that the DPHS should deal with the committee that is responsible for housing. That is the Social Justice Committee, and the fact that the person who is seeking housing is disabled does not mean that their interests should be dealt with by a different committee. The Social Justice Committee should deal with their concerns. That is the point of mainstreaming.

Does Wladyslaw Mejka agree that the way forward would be for the subject committee that is responsible for the issue to deal with the matter? That would be preferable to the Equal Opportunities Committee considering certain issues that then get tagged on to the substantive issues that have been dealt with in the subject committees.

**Wladyslaw Mejka:** Yes and no. I want the Equal Opportunities Committee to have sufficient resources, as well as the ability, to proof legislation, and to have some responsibility for doing that.

Those who draft legislation—whether members' bills or Executive bills—are often in pursuit of an overarching issue, such as a health matter. Consideration of equal opportunities may not be uppermost in their minds in every section of the bill, but someone must examine the bill from that perspective. If the Parliament is serious about treating equal opportunities as a hard rather than a soft option, the Equal Opportunities Committee should have the ability, procedurally, to block progress of the bill until the Executive, or the sponsor of the bill, has been made to think hard about whether they will accept the Equal Opportunities Committee's amendments or reject them publicly. The Executive, or the sponsor of the bill, would be obliged to present arguments to explain why equal opportunities could not be incorporated in the bill. That is part of the active work that is required to move to the stage that we want to reach, which is mainstreaming equality of opportunity into all legislation. That would, in turn,

affect all the practice that evolves from the Scottish Executive and the Scottish Parliament.

**The Convener:** Thank you very much.

We will now depart from the published agenda. The lip-readers cannot wait for much longer, so we will move to the evidence from the Disability Rights Commission. This is being done to suit Heather Fiskien, but she has left the chamber: I have no doubt that she will be back. Was Heather going to speak as part of your presentation?

**Bob Benson (Disability Rights Commission):** She will be involved in answering the committee's questions.

**The Convener:** I will therefore duck back to the agenda, then come to the Disability Rights Commission next. We will hear next from Gordon MacDonald.

**Gordon MacDonald (Christian Action Research and Education for Scotland):** I thank the committee for giving me the opportunity to give evidence. CARE for Scotland is an interdenominational Christian organisation, which has about 3,500 supporters in Scotland. We act as a public-policy think-tank on matters about the family, medical ethics, criminal justice, genetics and moral issues. We also have a number of caring initiatives, including more than 150 pregnancy crisis centres throughout the UK, 13 of which are in Scotland.

Our starting point is that humans are created in the image of God and are designed for a relationship with God. The outworking of that is that all people are of equal worth and are worthy of respect and that human dignity should be respected. However, that principle cannot be divorced from a moral framework or natural law.

We want to consider the issue of equal opportunities and equality. We made the specific point in our submission that equal opportunities should not be seen as moral equivalence. That point was raised and debated extensively last year. Overall, we support the four principles of the CSG, including equal opportunities.

As I said, opportunities and respect for human dignity are important. We disagree on an understanding of equal opportunities that emphasises equality in terms of moral equivalence. We think that equal opportunities within a moral framework should be based upon the Judaeo-Christian values that have historically underpinned our society and that have been highlighted as a result of recent events on the international scene. In essence, we are saying that equality is not uniformity in respect of different religious groups and faith communities and in respect of behaviour.

Tolerance does not mean that everything should

be encouraged or supported to the same degree, but that we should respect people's free will to make their own choices. We should not abandon all absolutes in a desire for an inclusive society. Marriage is a case in point. There is clear social evidence that marriage is good for society and for raising children in educational and other ways.

Tolerance has been interpreted as a moral equivalence and, beyond that, there has been hostility or suspicion of those who come from a faith or a specific Christian perspective. The extension of that interpretation is that certain civic or public organisations may take action that would limit people's ability to live out their faiths in their communities. I took up with the Scottish Executive health department a case involving a young doctor who was asked at an interview about his views on abortion and was denied a job as a result.

**The Convener:** Mr MacDonald, we are not here to solve the problems of marriage, employment law or abortion. We are here to talk about the application by the Parliament of the CSG principles. We are interested in hearing what you have to say on that area of our work and, in particular, whether people from various religious groups find it difficult to engage with the Parliament.

**Gordon MacDonald:** I appreciate that and was coming to that point. The issue that Frank McAveety raised with Kate MacLean is an example of what we are talking about. Faith communities have a specific interest in issues that we perceive to be neglected by the Equal Opportunities Committee. We question the Equal Opportunities Committee's decision to appoint standing rapporteurs, which other committees have not done. The existence of standing rapporteurs inevitably results in specific groups being represented and their agendas being taken forward rather than specific examples of discrimination being considered.

The other point that we made in our submission was about time for reflection. The Parliament decided to have a proportionate time for reflection. As far as we are aware, the Parliamentary Bureau decided to over-represent certain faith communities in terms of their representation within society. The figures at the end of the previous year of Parliament showed that 15 per cent of time for reflection slots had been given to people of other faith communities, while the Baptist Union of Scotland, which is the fourth largest denomination in Scotland, received only two opportunities to take time for reflection. The perception was that those coming from an evangelical perspective tended not to be asked to lead time for reflection.

11:15

**The Convener:** Thank you. Two categories of

issue were raised. One was geared specifically towards the Equal Opportunities Committee and one towards the Parliamentary Bureau. Would Kate MacLean like to pick up some of the points that might have aroused her interest?

**Kate MacLean:** The Equal Opportunities Committee has standing reporters because it decided early on that the Parliament was not representative—there are no black MSPs and no MSPs with obvious disabilities. We had hoped to be able to co-opt people on to the committee, but the Scotland Act 1998 does not allow us to do that, so we appointed standing reporters on the four main areas that we thought the committee would cover. The committee has been complimented on the effectiveness of the reporters.

When faith communities have a specific interest, they can come along and give evidence to the committee on any issue. Their evidence is taken on board and included in the committee's deliberations.

I have a question for Gordon MacDonald about the points that he made about moral equivalence. Does he think that morality and law are the same thing? I do not think that they are mutually exclusive, but I do not think that they are the same thing. The Equal Opportunities Committee exists to ensure that there is legal equivalence. On some of the issues that Gordon MacDonald has raised with the committee in the past, I would say that we do not make moral judgments; we ensure that people are treated equally in law. That is what the Parliament and the Equal Opportunities Committee exist for. There seems to be some confusion. I would be grateful if Gordon MacDonald could clarify that.

**Gordon MacDonald:** We know that, if there is a standing rapporteur, the result is that a specific agenda will be taken forward. Anyone can submit evidence to the Equal Opportunities Committee—as with all the committees—but, as was said, not all organisations can give evidence on every issue, because of lack of resources. Organisations that have a relationship with the standing rapporteur will inevitably be heard more frequently than organisations that do not. I accept that the remit of the committee might not allow faith groups to have a standing input on all equality issues, but a question that could be asked is whether the remit of the committee should allow for that.

On legal and moral equivalence, legislative measures have a moral dimension. That is what my job is about and it is why the churches have an input into the Parliament. Marriage is an example. We have a system in which marriage is established in law between a man and a woman—that has a moral dimension. Other people might ask why the same equality does not exist for

same-sex relationships, but we must recognise that a moral dimension is involved. That is a classic example of an area where we cannot devolve legally and morally equivalent issues.

**The Convener:** Perhaps I should explain the levity among committee members. It had nothing to do with the evidence; a party of people came into the gallery accompanied by a senior television journalist and we were gripped by a sudden collective panic about whether something was about to happen and whether they knew something that we did not. However, Frank McAveety's question is next—that is all.

**Mr McAveety:** That is probably why they have all left the gallery.

Paragraph 6 of your submission concerns time for reflection. Are you still opposed in principle to the way in which the Parliament has approached time for reflection?

**Gordon MacDonald:** We accept the fact that time for reflection exists and we want the Parliament to fulfil the commitment that it gave during the debate on that issue. We have argued our case; our view, which is based on our Christian faith, is still the same. As I said, we accept the Parliament's decision and want it to be implemented properly. However, we do not want the Parliamentary Bureau to make decisions off its own bat without referring them to the whole Parliament.

**Mr McAveety:** Have you any evidence that there has been deliberate discrimination against what you have termed

"Independent Evangelical or charismatic/house church philosophies"?

That is a fairly strong charge. Other than the percentage evidence that you cite in your submission, have you any indication that there has been an inclination to exclude such beliefs from the selection process?

**Gordon MacDonald:** It is difficult to get information on how selection takes place, although we have met some chamber office personnel to discuss the matter. The percentage issue must be taken into account. Both my organisation and the Evangelical Alliance have suggested certain names, some of which have been taken up. However, some of those names were on both lists. As far as I am aware, no one from a Brethren, charismatic or independent evangelical church has taken time for reflection in the two and a half years that the Parliament has been operating. I would have thought that the numbers involved warranted at least one or two speakers from that background.

**Mr McAveety:** Do you think that the people involved in the selection process have the unerring accuracy to exclude such theological positions,

which I would find it hard to distinguish between? Although I would probably be dubbed a liberal Christian on this matter, if I were involved in the selections, I would not be looking to exclude folk with a different perspective on Christian teaching from mine.

**Gordon MacDonald:** All I know is that we have suggested a name and highlighted the denomination, but the person has not yet been asked.

**Mr McAveety:** That is different from the question whether there is a calculated strategy to exclude people from the evangelical tradition from expressing their beliefs. The reality is that I probably disagree with 90 per cent of the folk who take time for reflection. However, I assume that there is relative equity in the way in which the spaces are allocated. If there is not, I would like to know how you are pursuing the matter.

**Gordon MacDonald:** I do not think that paragraph 6 of our submission claims that there is a conspiracy.

**Mr McAveety:** It says:

"We note that to date only one Baptist Union Minister has been asked to lead time for reflection and no person from Brethren"

has been asked. You do not need to be a rocket scientist to work out what is being insinuated. Your statement might well be accurate. However, I am not worried about the accuracy. I am just wondering whether that is what you are trying to suggest.

**Gordon MacDonald:** It is a statement of fact. If the selection process were truly proportional, we would have expected more such speakers.

**Mr McAveety:** Did you compare the representation of those traditions with representation from other Christian faiths, including Catholics as well as Protestants?

**Gordon MacDonald:** We received figures on Church of Scotland, Catholic, Episcopal and various other Christian faiths. However, the more fundamental point is the over-representation of people from other faiths. I know that that happens because the Parliamentary Bureau wants to make a statement. However, that was not the decision that the Parliament made.

**Mr McAveety:** That response is interesting and revealing and it underpins this wee ping-pong of discussion.

In paragraph 7 of your submission, you say that

"Evangelical Christians comprise almost 50 per cent of Church of Scotland ministers and an overwhelming majority of"

ministers from other churches. How did you arrive at that figure? I know people who, depending on

their mood, the issue or their family circumstances, swing from being theologically liberal one week to being non-liberal the next.

**Gordon MacDonald:** That is the figure that would be quoted routinely by people from an evangelical perspective within the Church of Scotland. Although the figure is a measure of their perceptions, it is often difficult to define where people stand. We accept that. Figures are always going to be general and broad, but that figure indicates that a substantial proportion of people in the Church of Scotland come from an evangelical position.

There are 400 ministers in the forward together group, which is the Church of Scotland clergy's specifically evangelical organisation. It is likely that more people form part of the Crieff fellowship, another evangelical organisation, although some of those people would also form part of the forward together group. I think that there are 1,200 Church of Scotland churches in the country, although not all of them have their own minister.

**Mr Gil Paterson (Central Scotland) (SNP):** I will need to pick my words carefully, as I am to talk about the bureau and I am sitting next to Fiona Hyslop. You are concerned about the bureau's decision-making process. Will you please tell us about your concerns and what you would like to happen?

**Gordon MacDonald:** As far as I am aware, the bureau is the only part of the Parliament that meets routinely in private. Does it need to meet in private nearly all the time? As with other committees of the Parliament, there are issues that require private meetings, but that is not always the case. There was a time when the minutes were not available. I am not sure whether they have now been made available. Perhaps you will clarify that.

We wrote to Sir David Steel about time for reflection. As I recall, the reply was not particularly clear. As a result, we requested a meeting with officials. That meeting shed more light on the issue than did the reply from Sir David Steel. I am talking about the Parliament showing more willingness to be more open in its communication.

**Mr Paterson:** If a minute had been available when you had your problem, would that have been an answer?

**Gordon MacDonald:** It would have shown the rationale behind the decision and whether Donald Gorrie's motion on proportionality, which the Parliament passed, had been considered.

**Mr Paterson:** If an agenda had been made available, would that have been better for you?

**Gordon MacDonald:** Yes. It would have meant that we could have submitted evidence.

**Susan Deacon:** What would your reaction be if an organisation took part in this inquiry expressed the view that the general principles of the CSG, on which the Parliament is founded, should include a recognition of the right of people to choose whom they live with, how they live and whether they get married? How would you feel about an organisation suggesting that the general principles should include recognition of the right of a woman to take decisions about her body and her pregnancy? What would your reaction be to that proposal being enshrined in the general principles of the Parliament?

**Gordon MacDonald:** As I understand it, to a large degree, that is the situation that we live in at the moment.

**Susan Deacon:** To my knowledge, the proposal has not been suggested—and we have not considered it—that such views should be enshrined in the Parliament's general principles, not least because we recognise that, although some people hold those views and opinions, not everyone shares them.

I am struck by your suggestion that the CSG should have enshrined in our principles a recognition of

“the dignity and right to life of the unborn child”.

I respect the convener's guidance that this meeting is not the place to open wider debates, but we all know that there are wide and varied views about what that statement means, how it should be defined and whether people would subscribe to it. My general point is that the Parliament is required to distinguish between, on the one hand, opinions and views that many groups within society hold and, on the other, general principles that we, as an institution, can adopt and that can set a framework for society as a whole. Is not there an important distinction between the two concepts and has not your submission confused them considerably?

**Gordon MacDonald:** It is clear that principles are important and should form the guidance for the Parliament. The point from which I started is that the Parliament is accountable ultimately to God. Action of Churches Together in Scotland proposed time for reflection to make that point.

On human life and—if the convener will indulge me—the unborn child, there was a debate at Westminster about whether abortion should be a devolved issue. It seems a bit bizarre that euthanasia is a devolved issue but abortion is not. The point that we make is that abortion falls within that general accountability to God. The general principle of governance should be that all human beings, irrespective of whether they have been born, are worthy of respect and protection.

**Susan Deacon:** Have not your comments just reinforced the point that I was making, which is that we, as parliamentarians, have to address a wide range of sensitive issues? Some of those, rightly, are matters for debate and discussion when legislating and debating policy. We have to have those discussions within a general framework of principles. The essence of the inquiry is to consider the principles that the CSG adopted and that the Parliament has implemented.

Although I do not agree with your views, I respect them. Which of the many points that you raised today do you think could be enshrined in our principles, as opposed to being matters for debate and discussion? You seem to have suggested that the CSG ought to have enshrined some of those points in the principles of the Parliament.

**Gordon MacDonald:** The CSG laid down the principle of equal opportunities. Our point is that equal opportunities should apply to all and should not apply depending on whether one is in or out of the womb. One of the primary articles of the European convention on human rights is the right to life. The Parliament is legally required to take account of the ECHR, but the right to life is not applied to people who have not yet been born. In the case of disability, terminations can take place up to full term. There are issues about equal opportunities. The interpretation of the ECHR needs to be considered again. Who is worthy of receiving equal opportunities and who decides that?

**Susan Deacon:** I am tempted to ask more questions, but I will resist that temptation.

11:30

**The Convener:** We have come to the end of that part of the evidence. I point out for the record and for the sake of accuracy that Donald Gorrie, who provided the proportionate-prayers soundbite, did not lodge the motion on time for reflection. Alex Fergusson lodged that motion.

I do not think that the Parliament has signed up to absolute proportionality. If it did, it would probably have to include those people in Scotland who are not adherents of any religious community. We signed up to the principle that time for reflection should be broadly representative. I speak as someone who would not mind if it were taken by a Buddhist or a Hindu every week. We accept that there should be broad representation.

We will draw your points to the attention of the Parliamentary Bureau. I do not know why there have not been representatives from specific brands of evangelical Christianity. However, we will reinforce the points that you have made. I will not promise that the committee will deliver some



form of proportionality because I think it unlikely that either we or the bureau will want to get too deeply into an argument about denominations. However, you make a fair point and I will pass it on.

Let us move on to the Disability Rights Commission, because the lipspeakers have to leave by midday. I apologise to the other witnesses who are waiting.

**Bob Benson:** Thank you for accommodating the needs of our lipspeakers.

The Disability Rights Commission welcomes the opportunity to give oral evidence on how the Scottish Parliament has begun to implement the principles of the consultative steering group. We see those principles as being of prime importance to the lives of disabled people in Scotland. We hope that our contribution can assist positively in taking the debate forward.

The Disability Rights Commission is a GB-wide, non-departmental public body, which was established by statute in 1999 and launched in April 2000. We are a GB body that has a Scotland office. We are committed to effective delivery of disabled people's rights throughout Scotland. The establishment of the Scottish Parliament and the opportunities that it affords for the promotion and encouragement of equal opportunities in Scotland are fully taken into account. Those are important issues. Research indicates that one in seven of the Scottish population is disabled.

There is a key need for disabled people to be able to access public life. The CSG principles are therefore fundamental to the Disability Rights Commission. It would be fair to say that the Parliament has made considerable progress in the implementation of the CSG principles. The overall impression is of a Parliament that seeks to be open, transparent and accountable. The DRC notes in particular the important role that the committees play in scrutinising legislation and amending Scottish Executive proposals. The CSG anticipated that the committees would herald a new politics through their initiating policy, allowing for pre-consultative activity and participation and giving space and time to engagement with the wider community.

However, the DRC's opinion is that the committees have been more reactive than proactive—partly because of the heavy work load that emanates from the Executive and partly because of the work of setting up a new Parliament. Nevertheless, the capacity and potential exists to make a real difference in the quality and scope of legislation and therefore to make a real difference to the lives of Scottish people.

We make three main observations on the implementation of the CSG principles. They are

about the need to make the Parliament fully accessible in every way, mainstreaming equal opportunities across the Parliament and greater understanding of the importance of the power to encourage equality of opportunity under schedule 5 of the Scotland Act 1998. Access and participation are key principles of the DRC. Accessibility is crucial to disabled people. That refers not only to access to the built environment, but to information, services, participation and consultation.

The DRC applauds the statements in the CSG report that the Parliament should take

“a proactive approach to engaging with the Scottish people—in particular those groups traditionally excluded from the democratic process”,

and that it is

“important to develop a culture of genuine consultation and participation if people in Scotland, particularly those who do not currently engage in the political process, are to be encouraged to participate.”

Access to information is critical to the reputation of the Parliament with the public. The Parliament must ensure consistency and it must maximise the potential of new technologies. It will take time to strengthen the culture of accessibility and accountability in the Parliament, but a tradition will soon be established if good practice is developed.

The Disability Rights Commission has been encouraged by the fact that the Equal Opportunities Committee's questionnaire is available in a variety of formats for disabled people. We are also pleased that a minicom number is being promoted for deaf inquirers. However, there is inconsistency. For example, although the website is easy to use and generally accessible, there are no easy-to-read documents for people with learning difficulties. The committee rooms are not very accessible physically. The Disability Rights Commission is encouraged by the fact that the Holyrood progress group has nominated a disability officer to inform it on access issues and we hope that the Parliament building will become an exemplar.

The extent to which the Parliament promotes and achieves genuine participation and consultation throughout Scotland is one of the hallmarks that will distinguish it from many other Parliaments. In that regard, the CSG principles are crucial, especially as disabled people and organisations have historically found it difficult to inform and influence the policy-making process. Although we recognise that considerable work has been undertaken by the committees to consult on a range of issues, the process remains insufficiently accessible.

The DRC would welcome more research into capacity building of disability groups and organisations as well as into establishing how

disabled people can be actively involved in the consultation process—how consultations are disseminated, and so on. The Scottish Parliament also needs to build up its database to ensure that disability organisations are comprehensively included. That should also apply to the process of calling witnesses. The CSG recommended that committees should co-opt external members; the commission would be interested to see that avenue being explored.

The CSG report highlighted equality of opportunity as one of the four founding principles of the Parliament. Great emphasis was also placed on the importance of mainstreaming equal opportunities in the development of Scottish policy and legislation. The commission would like more emphasis to be placed on mainstreaming equalities in the committees of the Scottish Parliament and would support any research that was done on that subject. The Equal Opportunities Committee has a key role to play in monitoring that activity and in ensuring that recommendations are actioned. However, responsibility for that remains with the Parliament as a whole.

The parliamentary committees must not rely solely on the Equal Opportunities Committee to perform the role of watchdog. All committees and MSPs have a role to play from the outset in the integration of equality in their legislative proposals, and they must ensure that they embody the principle of equal opportunities in all their work. The disappointing attendance at the workshops on mainstreaming, which were organised with the Equal Opportunities Committee, suggests that we still have considerable work to do.

Although equal opportunities is reserved to Westminster, schedule 5 of the Scotland Act 1998 gives the Parliament wide-reaching powers—other than prohibition and regulation—to encourage equal opportunities, to secure observance of the requirements of law and to ensure that Scottish public bodies do not discriminate unlawfully. The exception to that reservation has been relied on to ensure reference in a number of bills to the requirement to promote equality of opportunity. A full understanding of schedule 5 is required in the Parliament if the application of equal opportunities is to be comprehensively realised.

One person in seven of the Scottish population is disabled and, despite the good work and progress of the Parliament, too few disabled people are aware of the Parliament's work. In our opinion, considerably more can be done to promote the role and work of the Parliament, which will build up public trust and confidence in the Parliament and its achievements.

**The Convener:** Thank you. Could you develop further one of the points that was made in your submission in relation to the Housing (Scotland)

Bill? You have given an explanation about deletion from the bill of provisions on local authorities' duty to state how equal opportunities would be dealt with, and stage 3 amendments that were made to resolve the difficulty. What happened there? Did the Executive try to remove some text from the bill and flesh out the provision in codes of guidance? Alternatively, was the Executive trying to move away from its initial thoughts and to weaken the position of equal opportunities in that bill? I do not think that that was the perception that any of us had, but it would be interesting to hear what you thought about the matter.

11:45

Perhaps more importantly, what changes would you recommend in legislation procedures to ensure that situations do not crop up in which there are last-minute changes of mind and people feel a bit at sea in their understanding of what is happening?

**Bob Benson:** We had not interpreted the situation as being underhand. In our statement, we suggested that stage 2 had at times been "rather hurried", and that

"some of the detailed scrutiny has been lost as a result."

That has been said today by a number of witnesses. The process of legislation going through Parliament is so intense that many things get lost. That is part of the reason why

"detailed scrutiny has been lost".

Another important effect, and one that has been happening in bodies such as our own, is that lobbying has been an effective process. It has been vital to get equal opportunities provisions included by the Equal Opportunities Committee and others, as well as by individual MSPs and equality commissions. That should now be embedded in the legislation process.

The fundamental problem is that the Parliament is doing too many things too fast.

**Adam Gaines (Disability Rights Commission):** The issue that arose was to do with timing between stage 2 and stage 3 of the Housing (Scotland) Bill.

**The Convener:** That is something that we have been hearing from many quarters. Indeed, members have direct experience of those difficulties.

**Fiona Hyslop:** I want to follow up on the point about the Housing (Scotland) Bill. I was not a member of the lead committee, but I attended all the meetings as the bill went through stage 2. There was a report from the Equal Opportunities Committee and I know that Kate MacLean, the convener of that committee, lodged a number of amendments at stage 2 to ensure that the equal

opportunities proposals were included. As in your submission, concern was expressed that there was a dialogue going on somewhere about how best to achieve equal opportunities through the legislation. However, that dialogue did not take place overtly at the table during stage 2 of the Housing (Scotland) Bill.

I see that a number of heads are nodding. Is that your understanding of the situation? It is a wider issue, which your submission raised.

**Adam Gaines:** From our perspective, the main issue is the timing of discussion. The outcome in the Housing (Scotland) Act 2001 was very welcome, but it was important for us on the outside to be able to follow the process. There was a question about the hurried nature of the process between stage 2 and stage 3 of the bill.

**Fiona Hyslop:** Last week, the committee discussed the importance of Executive amendments being lodged a reasonable amount of time in advance of the final day. The amendment to which we are referring is a good example of one that was not lodged within an agreed time scale. That meant that the amendment was very late indeed and that members who attended the committee were not in a good position to speak to or question the issue. In effect, we had to wait until stage 3. From what you have said, it seems that equality of opportunity is not something that should be left until stage 3, but rather should be part of the initial stages. Did the Housing (Scotland) Bill show that Parliament had a teething problem with incorporating equality of opportunity in legislation? Do you think that the problem will continue if we leave such matters to be dealt with at stage 3 in future bills?

**The Convener:** That is called leading the witness.

**Bob Benson:** We hope that it is a teething problem.

**The Convener:** A diplomatic answer.

**Susan Deacon:** I want to share an anxiety with you and ask for your assistance to work it through. I am struck by what you have said about how much we are trying to do and so on. I share your desire to ensure that we make meaningful progress that people can recognise. When, in a former life, I met people who are involved in partners in policy making—an initiative with which I suspect you are familiar—I was struck by the fact that the parents of children with disabilities are, shall we say, less concerned with our process of engagement than they are with how effective we are at the end of that process in making real and practical differences to the way in which services are provided to enable them to get on more easily with their lives. My concern is how we can accelerate the process of action on the back of our

process of engagement.

You raise some interesting points about accessibility to documents in your submission. I thought that the example that you gave about people with learning disabilities was very apposite. How might we cut through some of the necessary process and discussion and accelerate the progress of change, action and practical improvement? I suspect that the areas in which you are involved in particular are examples of where we can and should seek to do that.

**Bob Benson:** We have exactly the same issues as the Equal Opportunities Commission. For example, we seek to bring legislation through Westminster. It has been vital for us—we have learned it from our grass-roots consultation exercise with the Scottish Executive—to enable disabled people and the people who support them to understand the legislative process so that people are able to influence it at every stage, and preferably at the beginning of each stage, rather than merely seeing the action points at the end of it. Legislation can often be fairly open-ended and what results from it can mean many different things.

You referred to parents. We think that it is important that parents have a vision for their children because if they do not, their children will not one day have a vision for themselves. It is important to start as early as possible to take people through the processes. Many disabled people simply do not understand what Parliament exists for or what legislation exists for. Our experiences of implementing the Disability Discrimination Act 1995 show that about 60 per cent of disabled people do not even know about the law that applies to them. It is important in the consultation processes that we bring many people on board. I suspect that the issue comes back to education, training and capacity building of the groups that can best feed into that process, so that they can see the end point; however, they need to see the beginning as well. That is particularly true in a Parliament in which there is no second chamber—we must get it right first time. It is even more critical to bring people on board at the beginning.

People need to be aware of the legislative process and the time scales to ensure that we have proper legislation. I can understand the frustrations of disabled people and parents in those situations, but when people begin better to understand the processes, they are much more tolerant of the processes.

**Susan Deacon:** Is there anything that we could do to shorten the feedback loop where things are not going well?

I come back to information—let us stick with the

example of learning disability. A huge process of participation ran through—and continues to run through—the provision of information, but it is clear that some things fell through the net and were not done as well as they could have been. How easy is it for people quickly to feed back the fact that some aspect of the implementation process is not working? Is there anything that we could do to make it easier for people to give us that feedback, so that the appropriate changes or improvements can be made?

**Bob Benson:** That comes back to understanding the nature of disability and the nature of impairments. Many people simply do not understand how long it can take to become involved in the process and to assimilate information. Disabled people must be phenomenally well organised and must plan ahead in order to participate; they also need a lot of practical help and support. You referred to learning disabilities, which is a fiendishly complex area that covers a range of multicomplex impairments. We must look at the introduction of much better advocacy services, which the Scottish Executive is already considering. The process of involving people might require the establishment of reference groups, which might become continuing contacts on specific issues. The Disability Rights Commission established two reference groups—one on learning disability and one on mental health—precisely because of the problems to which you referred. In fact, we need continuing contact points for any area of work—not just for our policy work but for the services that we provide. The commission has made a continuing commitment to those areas.

**Mr Macintosh:** In the section in your submission called “Sharing the power”, you make the point under the sub-heading “Giving evidence” that on the two occasions on which you have given evidence, you were called as the final witnesses. You say that your evidence was “considerably truncated”, thereby limiting its effectiveness. I am delighted that you were moved up the list of witnesses for today’s meeting, because I was dreading your appearance as final witnesses in case you were squeezed out of the meeting.

I want to pursue the point that you make about giving evidence to committees—it is a practical point, in comparison with some of the principles that we have discussed, and this is a particularly good time at which to discuss it. As an MSP, I am aware of the difficulties that sometimes arise during meetings like today’s at which there are many witnesses. It can be difficult to do justice to all the witnesses and to get the flow of information right so that a discussion takes place that illuminates some of the points. Some such meetings are worthwhile, but others are less so.

How effective do you find evidence sessions? I know that many organisations like to give evidence because they feel that that platform is important. Is it a useful experience? Your submission makes a couple of points about adequate preparation time and making sure that the necessary support is in place for you to be able to give evidence. Is such support commonplace? I appreciate that such best practice will have taken time to evolve over the past two years, but is it well established?

I do not want to overload you with too many questions at once, but do we have the right balance between the formality of the setting and what can be—occasionally, but not today—an intimidatory or hostile experience? I am thinking of the committee rooms, in which the witness sits in the firing line at a horseshoe shaped table. It is more like putting someone in the dock than asking him or her to share evidence. I hope that I have not put too many points to you, but I would like your views on that process.

**Bob Benson:** You are right that giving evidence can be intimidating for everyone—even for skilled professionals who are used to such situations. For many disabled people, the experience itself is threatening. Such people do not often feel that they have the kind of evidence about which you speak but, as we know from our research, the reality is that there are major gaps in writing into policy the experiences and voices of disabled people. There is for many people a gap between intention and what happens in reality.

We are currently taking our commission around Scotland in a number of roadshows. We are not only telling disabled people about our work—although it is a promotional activity that is intended to tell people what they need to know about the Disability Discrimination Act 1995—but we are seeking their views on a range of different areas that are important to them, such as education, health and social care, transport and housing. People are responding to that much more informal process, and I note that the Scottish Executive is considering it as a potential consultative model that it might use for its own research purposes.

People have told us that they could not believe that a commission would want to go to Orkney, Nairn, Dumfries or Irvine because they did not think that those areas were important enough. That tells us that people do not think that they are important enough, and although that is not true of disabled people, it is more difficult for them to get involved. That answers one of your questions.

**Mr Macintosh:** Yes.

**Adam Gaines:** There is also a question about time scales and giving organisations sufficient time to prepare. At times, other methods might be used

in addition to seeking evidence. Those might involve working with small groups to elicit their views and may help to contribute to the research base for a specific inquiry. Such a contribution could be qualitative rather than numerical.

12:00

**Mr Macintosh:** I asked earlier about cross-party groups, and you mentioned the cross-party group on disability. Are cross-party groups an appropriate vehicle to enable members of the public—especially people who have disabilities—to access the Parliament? Are they a useful vehicle or do they take people down a rather narrow corridor?

**Bob Benson:** The Parliament's having a cross-party group on disability is enormously helpful for us, because it means that we can focus on the broader issues that surround disability, rather than merely on specific impairments, although we are aware of the other cross-party groups on specific conditions such as autism. The question is; how many groups can be serviced by parliamentarians? A crunch point will come. There are many conditions and impairments out there and it is questionable whether that work could be covered by the cross-party group system in future.

**Mr Macintosh:** I think that Heather Fiskien has experience of the cross-party group on deafness. She was present at the question time that was organised by the Royal National Institute for Deaf People. Are you familiar with that group's operation and its usefulness to the deaf community?

**Heather Fiskien (Disability Rights Commission):** I am sorry. Could you repeat the question?

**Mr Macintosh:** The RNID organised a question time event at the Hub in conjunction with the Scottish Parliament's cross-party group on deafness. Has your experience of that group been constructive, or do you find it to be a diversion from the mainstream business of addressing equality issues in the Parliament?

**Heather Fiskien:** I have not had any experience of the cross-party group on deafness, either personally or professionally. I have not been invited.

**Mr Macintosh:** Thank you.

**Adam Gaines:** One of the advantages of cross-party groups is the fact that they involve external organisations, individuals and groups as well as MSPs. They act as a forum for different views within the expertise and experience of the Parliament. That has been useful.

**The Convener:** There are no further questions. I thank the witnesses for their contribution. I am

glad that they did not have to wait until the end of the meeting.

Jumping back to the main agenda, the next witness was to have been Lillian Kennedy from the Vale of Leven Elderly Forum. She is not able to be here and has nominated Hugh Dickie from the West of Scotland Seniors Forum to attend in her place. If Mr Dickie would like to make what points he has to the committee, we will follow with questions.

**Hugh Dickie (West of Scotland Seniors Forum):** Mrs Kennedy is also the chairperson of the West of Scotland Seniors Forum, of which I am vice-chair.

In her submission, Mrs Kennedy writes about the difficulty that many people have in distinguishing the Parliament from the Executive. If that is the case, it is regrettable because it is already evident that the Scottish Parliament has a real function to perform and that, to a large extent, it is performing that function. It is perhaps unfortunate that a large section of the media considers that its target population is more interested in the parenthood of an actress's unborn child than in the democratic processes of its first Parliament in almost 300 years.

I turn to the Parliament's relationship with older people, with which I am mainly concerned. I have no doubt that one of the reasons that I am here in lieu of Mrs Kennedy is that she was not keen to get up in the dark to travel all the way to Edinburgh for a few minutes of giving evidence. I am a sucker for that kind of punishment.

Representations have also been made to me to mention that the arrangements for such bodies as the cross-party group on older people, age and ageing are not likely to encourage participation by older people from the more remote parts of Scotland. However, I do not have any solution to propose for that problem. Perhaps the Parliament can come up with something that would be more constructive.

I have always thought the information provided by the Scottish Parliament and the Executive to be a big improvement on anything from Whitehall. Again, although I am sure that Mrs Kennedy is right when she says that information from the Parliament is not always understood, to some extent it is up to involved people like us to disseminate it. Where older people are concerned, a lot of effort is going into doing just that.

Mrs Kennedy also writes about the dearth of ethnic minorities in the Parliament. The same can be said about older people. That is hardly a bad thing. I dare say that many MSPs will grow old in the service of their country and, before they retire, come to appreciate the serious concerns of older people. Meanwhile, they will just have to ensure

that older people are consulted and asked to participate in the formation of policies that affect them. In that context, what is important is that participation and consultation should be across the spectrum of devolved politics.

**The Convener:** Thank you.

Do you feel that Parliament is sufficiently alert to consulting older people? We are always very aware that older people are not just older people; there are Gaelic-speaking older people, older people from ethnic minorities and disabled older people. We consult individuals in all sorts of ways. Do you think that we are doing enough to speak to older people as a group with specific interests?

**Hugh Dickie:** Older people certainly have specific interests and an angle on everything that happens in the Parliament. The Executive has already taken considerable steps towards the involvement of older people, such as the establishment of the older people's unit, even though it is not exactly over-staffed. The Executive has also come up with a type of partnership body that involves predominantly older people from outside the Executive. I am not aware that that effort is reflected by the Parliament, but I think that it ought to be. When considering almost any aspect of the Parliament's work, we need to involve people from the older people's movement who are aware of the perspectives that are involved.

**Mr Paterson:** Do older people feel excluded from the workings of the Parliament?

**Hugh Dickie:** There are older people and older people. The vast majority of older people—the five-sevenths of the iceberg that are under the water—are not concerned about it at all. They are probably more concerned about Elizabeth Hurley's unborn child. It is important that the first steps are taken to involve what might be called the politically active—with a small p—older people in the deliberations of the Parliament's committees so that the older person's perspective is gleaned and can be put to the Parliament.

As I said earlier, a lot of work is going into reaching those parts of the older population that it is perhaps more difficult to reach—the housebound, those in care and so forth. Although there is a long way to go, the steps that have been taken are moving in that direction. What is needed is for the tip of the iceberg to talk on behalf of the submerged part.

**Mr Paterson:** I should have asked whether elderly people—whom I class as being people who have retired—think that the Scottish Parliament is irrelevant to them?

**Hugh Dickie:** To a large extent, that is the case, in much the same way that the Scottish people

see the Scottish Parliament as irrelevant to them. The mass of older people is not involved in the political spectrum, just as the mass of the population is not involved in the politically active spectrum. However, those who are involved see the Scottish Parliament as being relevant and a big advance on anything that has gone before.

**Mr Paterson:** I have a question on accountability. The terminology does not make a distinction between the Parliament and the Executive. What do people understand by the meaning of the word Executive? Your submission included definitions, but not one of the Executive.

**Hugh Dickie:** People know that it is the Government—you can call a rose by any other name. I am not sure whether older people make the distinction between the Executive and the Parliament. The Executive impacts more on people's lives. They react to it with greater interest than they do to the day-to-day transactions of the Parliament.

**Mr Macintosh:** Your second point was about making information more widely available. How accessible is the Parliament? We cannot control information that is made available through the press and TV, although many of us would love to do so.

**Hugh Dickie:** That is unfortunate. I happen to have a very conscientious member of the Scottish Parliament. I get a lot of information from that member, especially because he knows of my interest in older people's issues. I am involved in numerous bodies and I also get information from the usual channels.

It is up to us to try to reach the people who are not as fortunate in the amount of information that they are getting. That could be done at virtually every point of the information flow. All the bodies that are represented in the chamber today should take steps to ensure that they disseminate as much information as possible. All the information that comes out of the Parliament—it is a hell of a lot of information—should go into every household in the nation.

**Mr Macintosh:** This is purely anecdotal, but there are initiatives such as the partner libraries with which the Parliament engages. Those are positive steps forward. Do you use that facility or are you aware of others who use the partner libraries?

**Hugh Dickie:** One of the Parliament's information officers spoke at a meeting of the South Lanarkshire steering group of the better government for older people programme and gave us a complete rundown of the available information services. I am not sure that people in the boondocks are equally aware of those services.

**The Convener:** Fortunately, we do not have to define the boondocks.

12:15

**Susan Deacon:** I wanted to ask about information, which Ken Macintosh has asked about. You have answered much of my question. Would you like to add anything about the use of the television and other media—television is perhaps particularly interesting—for disseminating information? There is already a lot of television coverage of the Parliament. Some would say that there is too much, but I was struck when I was a minister by the number of those, particularly older people, who clearly watched the daytime television coverage and would comment on it. Is that what you mean by getting more information out to the public? Do you mean that the Parliament should pay for television airtime or use Ceefax to tell people more about what is going on?

**Hugh Dickie:** I mean that kind of thing. However, the newspapers regard old people's issues as even less sexy than the Parliament. That is a problem. The image that those who watch television have of older people is that they all play bingo and do sequence dancing. Somebody else mentioned the kind of things in which the media are interested. I am pretty sure that, for example, aspects of the establishment of national care standards will not feature prominently in programmes or newspapers.

**Professor McCrone:** One characteristic of older people that strikes me is that they are much more participative than younger people are. If we consider the differential in voting patterns, we find that 80 per cent of people over 65 vote and only 20 per cent of 18-year-olds vote. There is an enormous involvement of older people. There may be a tendency to treat older people as a group of passive participants, but in fact they are highly active participants. As people live longer and at least some of them have more resources and time to spare, what is the best way for the Scottish Parliament to get those people involved? They participate at a minimal level by voting, but there must be more that they can do.

**Hugh Dickie:** A number of older people's organisations that are not particularly political exist, such as lunch clubs. One approach would be to encourage parties to sit in the galleries.

You spoke of the level of older people's political participation compared to that of younger people. There is another side to the coin: older people are more brand loyal. Politicians therefore tend to take them for granted. As older people support the party that they have supported since they were knee-high to their mothers, they do not have the same impetus that they would have if they acted purely on the basis of the interests of older people.

**The Convener:** Thank you. I think that we are all happy.

**Kate MacLean:** I have another meeting at half-past 12. I apologise to the witnesses from the Equal Opportunities Commission and the Commission for Racial Equality for not being able to stay for their evidence. I promise that I will read the *Official Report* of the meeting.

**The Convener:** I understand. We have run outrageously behind our time schedule, which was much too ambitious. That is nobody's fault; it is just the way that such matters turn out. The benefit of having the session in this manner is that, by the time that we have finished, we will have taken evidence from eight organisations. If we had gone out to where they are based, as one of the participants suggested, we would have needed several days to do that. The meeting is a matter of accommodating as many views and insights as possible.

We now move to the Equal Opportunities Commission, from which we have two witnesses: John Wilkes, the director, and Angela O'Hagan, the senior policy manager. The floor is yours, Angela.

**Angela O'Hagan (Equal Opportunities Commission):** In addition to thanking the committee for the opportunity to give evidence, I thank everybody in the room for their forbearance given that the schedule has overrun. With respect to the convener and the clerk, that illustrates the points that a number of us have made about practical steps and ensuring that evidence sessions are timetabled in such a way that witnesses have sufficient time for their contributions to be meaningful. That said, today's session has been interesting and stimulating in many ways. There has been useful discussion, which has highlighted the need to continue to debate and raise awareness of equalities issues in the Scottish Parliament.

Because of the time, my comments will be briefer than those in the speaking note that we were asked to provide. Colleagues from the DRC and others have talked about mainstreaming and no doubt the CRE will do likewise. There are difficulties with the interpretation and consistency of interpretation of schedule 5 to the Scotland Act 1998. There are difficulties with understanding equal opportunities within the Parliament and with the definition of equal opportunities in the Scotland Act 1998. The term "equal opportunities" is used interchangeably with "social inclusion"; it has been interesting to note the distinctions that have been made in the debate today.

I broadly concur with many of the comments that have been made on resourcing and participation in the consultative process of the Scottish

Parliament. There has been a huge increase in the demands that have been placed on us in a statutory body that is not well resourced. From our work with other voluntary organisations, I know the amount of time and financial resources that are required to respond to the democratic opportunity—a term that I infer from previous discussions. The extent to which organisations are resourced to respond or participate equally is an issue.

One of the main points that I wish to raise on behalf of the Equal Opportunities Commission is the need to reassert a gender perspective. Much of today's debate has been interesting, but I have been struck by the absence of references to gender or gender mainstreaming on a range of issues, such as men's and women's different experiences of mental health, disability and age issues on the grounds of their gender. Gender equality continues to be a major political issue and is an objective to which I hope we all aspire, but it is far from being a reality in Scotland. I refer the committee to the practical recommendations that we have made in our written submission and in the shorter submission that we submitted in advance of today's meeting, which aim to ensure that that perspective is built into the legislative and consultative processes.

There is one specific issue that I wish to highlight, after which I will conclude: the commitment of the CSG and subsequently the Parliament to the Parliament's being a family-friendly organisation, which is laudable and almost unique. The Equal Opportunities Commission encourages members of the committee and other members to resist attempts in the Parliament and elsewhere to move away from the family-friendly work patterns that the Parliament is striving to achieve and retain.

The Parliament should ensure that child care is accessible for its workers and visitors and should ensure that there is appropriate and effective child care provision on this campus and, above all, on the new campus at Holyrood. We have raised that issue in the past through the cross-party group on women and with the Holyrood progress group. We encourage the committee and others to expand the options that have been considered in the development of Holyrood, and to examine more creative partnership solutions to some of the issues around workplace child care provision.

The final practical recommendation that I want to highlight is the extent to which the principles are being monitored and integrated into the everyday operations of the Parliament.

The convener mentioned that Shona Simon was unable to attend today's meeting. That is unfortunate, because she might have been able to answer questions about the extent to which the

recommendations for equal opportunities employment practice that were presented to the senior management team have been implemented; how those recommendations have been incorporated into the work of the equalities manager for the Parliament; and whether that work will include a training programme for MSPs and annual reporting to the Scottish Parliamentary Corporate Body and the Parliament on progress in promoting and encouraging equal opportunities. Equal opportunities are not the preserve solely of the Equal Opportunities Committee, but are a collective responsibility of the Parliament and its committees.

**The Convener:** In both your submission and your presentation, you have made clear that the commission has been very involved in consultations about parliamentary business. I ask you to take a step beyond that and to think about outcomes. Has the Parliament been influenced sufficiently by the consultation process and by the representations that you have made? Have you made a difference in any areas?

**Angela O'Hagan:** I will try to answer the question without having a crisis of self-esteem.

**The Convener:** I am proceeding from the assumption that if you cannot make a difference, nobody can.

**Angela O'Hagan:** The process of engagement is itself an outcome and represents progress on what we could have imagined when I joined the Equal Opportunities Commission eight years ago. The Equal Opportunities Commission, other commissions and a range of voluntary organisations and individuals put a huge amount of effort into ensuring that equality is mainstreamed in the workings of the Parliament, but we have a long way to go on that. The same point was made in the earlier discussion with witnesses from the Disability Rights Commission, when the Housing (Scotland) Act 2001 was mentioned. I know that colleagues from the CRE were very closely involved with that piece of legislation. There is a commitment to equality and various procedural steps are in place, but those are not visible when legislation and programme proposals are introduced.

As a member of the Scottish Social Inclusion Network, which includes officials from the Scottish Executive, I see some of the same issues arise at programme level. The analysis and integration of equality issues are not apparent in debates, because there is an attitude in the Parliament that debates on equality issues should take place in the Equality Opportunities Committee rather than in the Transport and the Environment Committee or the Social Justice Committee, for example. Until there is collective responsibility for equality and that is clearly articulated by all parliamentarians,



rather than just by those who happen to be members of the Equal Opportunities Committee, we will not see the kind of outcomes that we had hoped for from the commitment to mainstreaming.

I understand that mainstreaming is a fairly new concept and needs to be thought through. However, I see it as common sense. There is a range of tools that obfuscate the issues at times but are designed to make available practically the analysis and information that make for better policy making. Such information makes possible more targeted interventions, which is one of the themes of today's discussion.

Progress has been made, but we would like to see much more of it. That brings us on to the issue of the nature of relationships between the Parliament and external bodies. Our role as lobbyists for a statutory commission raises a range of issues, including, to some degree, governance. We need to consider the relationship between parliamentarians, parliamentary committees, voluntary organisations and other specialist or expert contributors.

**Mr Macintosh:** I want to pursue the issue of mainstreaming. Earlier, I asked Dr Wilson McLeod to choose between the Equal Opportunities Committee and the SPCB as a strategic body. Perhaps that was an unfair question.

Taking the principle of promoting equality in its broad sense—that it is our duty in the Parliament to promote equality in our dealings with every other body—requires a bit of strategic thinking. Is that in place in the way in which the Parliament operates or do we need to address the issue through a body such as the SPCB, the Equal Opportunities Committee or the Procedures Committee?

12:30

**Angela O'Hagan:** If that was a multiple-choice question, I would tick "all of the above". I am not being facetious—that was a deliberate attempt to be succinct. We must consider the issue on many levels. On the level of the Scottish Parliament as an employer, we must ensure best practice not just in compliance, but in promoting equal opportunities, which is about encouraging best practice and looking and learning from elsewhere. The Scottish Parliamentary Corporate Body has a managerial role in terms of the Parliament's business. We would seek to ensure equalities as a visible part of the day-to-day operations of the Parliament—in its procedures and in the content and the nature of debate, as well as in the information introduced into debate.

In our submissions for the CSG inquiry and for others, we have repeatedly highlighted the need for effective scrutiny and monitoring and—to return

to our original CSG submission—have suggested equality plans for individual committees, which should form the basis of annual reporting. That reporting could be made to or through the Equal Opportunities Committee in the first instance, which would provide an audit of annual progress and performance to the wider Parliament. That process could feed into what I hope would not be just an annual debate on equality, but an annual debate on equality in the context of the Executive's equality strategy—which the Parliament has endorsed and therefore has a degree of ownership of.

There are many ways of promoting equality. We would seek evidence of activities to promote equality. Such efforts should be much more visible and more vigorous than they are at the moment. Having said that, there has been considerable progress in two and a half years. That is a foundation on which to build. Kate MacLean mentioned that the research has referred to the Scottish Parliament as leading edge. I think that the Parliament has the potential to be leading edge and to establish a higher benchmark.

**Mr Macintosh:** You have addressed the institutional measures. On an individual level, are parliamentarians promoting equal opportunities? I welcome some of the tools that you recommend, such as equality training for MSPs. The disability rights commissioner mentioned the failure of MSPs to sign up to that training provision. Are we missing out on that at the moment?

**Angela O'Hagan:** I think that the understanding and interpretation of equalities issues is very varied among the 129 MSPs—who are 129 individuals—as is the disposition towards those issues. There are varying degrees of political commitment—or, rather, of understanding of equality or inequality and discrimination as political issues that require a political commitment and political solutions, even if they are not always possible.

From the point of view of the Equal Opportunities Commission, being open to being better informed is an issue for a number of MSPs, particularly as there is a notion that gender equality has somehow been achieved and that, because the idea of formal equality before the law exists, any discussion about women's place in society relative to that of men is redundant. In addressing that wider issue, those MSPs become hidebound by another set of issues. We have considerable difficulty in progressing the gender equality agenda in the Parliament because there is a false perception that gender equality has been achieved.

**Susan Deacon:** Has the EOC conducted any research on the wider public's perceptions of how effective we have been on equalities? Has

research been done on gender issues, for example to find out how the 2.5 million-plus women in Scotland feel about the institution and whether it has made their lives better or worse and the political process more or less accessible to them?

**Angela O'Hagan:** We have not commissioned such research. We are participating, along with a range of bodies, on a forthcoming Scottish social attitudes survey, which will consider equality and discrimination in Scotland. That will be available next year. A range of research evidence on women's participation in the political process elsewhere is growing. We will try to draw on women's perceptions of Parliament through the women's co-ordination group, which we are a member of, along with other women's associations, and the continuing campaign for 50:50 representation in public and political life. We are not resourced to take on that kind of research, but it is a good idea and I recommend that it should be done.

**Susan Deacon:** In the absence of such information, we are in the realms of speculation. Is a danger that the Parliament and organisations such as the EOC, which have worked closely with the Parliament on this, might become detached from wider perceptions and experience of the Parliament? Should we be careful not to create a gulf between what the majority of the 129 members in this chamber might know, recognise and understand in taking forward equal opportunities and what the public understand? Kenneth Macintosh raised points about the need for more training for MSPs. I would not demur, but in a funny way it might widen the gaps in understanding. We must consider closing the gaps. I know that this is a big and complex issue, but are you concerned about that—or do you feel that we are sufficiently in tandem with Scottish society on this matter?

**Angela O'Hagan:** There are a range of perspectives. The Equal Opportunities Commission's perspective is, to some degree, informed by our casework. Complaints from women and men give us a grounded perspective on what happens in Scotland's workplaces and on the actions of service providers in Scotland. We also work in partnership with a range of voluntary organisations and have such contact in personal and professional capacities. I would not necessarily concur with the notion that we may be increasing the gap. The training that we are talking about is on awareness raising and expanding understanding, so that an MSP would recognise the gender dimension to a constituent's complaint or circumstance, which they might not otherwise have recognised. We would encourage them to think through the apparent housing, transport or local government service delivery issue to see that

taking a certain perspective on a series of events would lead to better understanding of the issue and a better solution.

**Susan Deacon:** Since devolution, has the EOC developed its capacity to engage in wider public and media debate on these issues?

I admit that this is a crude anecdote, but I will give an example of where actions taken by the Parliament can be, shall we say, played differently. The Parliament has introduced child care allowances that apply to MSPs and staff in the Parliament, in line with the points that you have put forward. I recall crude tabloid coverage of the issue, which focused on me—I did not even know about the allowances at the time—and one other female MSP. It stated that this was another perk of the job, which we could get because we have pre-school children.

I note that other MSPs—male MSPs—with pre-school children also qualify for the allowances, but they did not feature in the tabloids in quite the same way. I suspect that most, if not all, of us here today agree that there has been a bit of a distortion of that policy. MSPs are on fairly shaky ground in defending that policy. It is important, however, that other bodies and organisations come into the debate and argue why those kinds of measures are being implemented.

Where does the EOC fit in with that kind of debate, which takes place continually but has taken place in greater volume since devolution?

**Angela O'Hagan:** You have raised a number of issues. I turn first to the EOC's expansion—or otherwise—of resources. The commission is not well resourced in Scotland. It is part of a UK organisation, which introduces another dynamic in terms of understanding devolution and being resourced to respond and participate. It is my understanding that the new post of communications officer will be introduced to EOC Scotland in the next few months. That will alleviate some of the pressures on the small number of staff to respond and to be more proactive in communications. It will alleviate the pressure on us to be better placed to respond and present rejoinders to some of the coverage that has been targeted at women MSPs in particular. It is fair to say that, at least in the early days, the treatment of women MSPs was very different from that of the men.

We have promoted consistently the need for child-care provision. It should meet the needs of visitors to the Parliament and encourage greater access to the Parliament. A range of individuals may not be able to participate or even visit the Parliament at the moment because of child-care responsibilities. It should meet the needs of workers—and I include parliamentarians as well

as a range of support staff in that. Child care is not a women's issue; it is a business issue. It is about the effective running of the Parliament and about ensuring the women and men can participate fully, in whatever capacity, in the working life of the Parliament.

The charge that the repeated sidelining of child care is at the behest of certain well-placed women parliamentarians is a complete misperception and has represented, at times, a deliberate attempt to devalue the wider argument.

**Mr Paterson:** On page 3 of your submission, under the heading, "sharing the power", you talk about

"the participation in consultations and evidence to committees".

You mention Engender and Women's Aid Scotland, which, you say, tend to feature most prominently. You go on to say:

"this pattern may suggest that smaller or less established organisations are still not being sought out or encouraged to participate, and highlights the need for greater support to encourage broader participation."

Will you expand on what support you think should be provided? Should that support be financial or should manpower, or person support, be provided? What do we need to do to include small groups, which are under-resourced, but which have an enormous contribution to make?

**Angela O'Hagan:** I make it clear that I welcome the Parliament's including Engender and Women's Aid as witnesses and consultees in a range of exercises.

Engender is, for a prominent organisation, small and under-resourced. Any staff who work for Engender are funded through projects; there is no core funding for Engender other than membership subscription. That is replicated throughout the voluntary sector. A range of organisations that would wish to contribute on gender issues find themselves in similar positions.

The question of resourcing potential contributors has come up throughout today's discussions and a number of creative suggestions have been made. Within capacity building, I would include broadening the education facilities and services of the Scottish Parliament to expand on a community base and to include community education. The education service could carry out that sort of role, rather than focus simply on school education, although that is important.

The issue of directly resourcing lobbying or other organisations has been raised and merits further consideration. It is complex and raises matters relating to governance and independence that have arisen elsewhere.

Adam Gaines talked about working more creatively with smaller groups on a rapporteur basis or through a couple of committee members meeting a range of organisations informally, as opposed to working through formalised committee sub-groups. There have been attempts through the Civic Forum and in conjunction with the Commission for Racial Equality and others following the launch of the race equality advisory forum report to bring people into the Parliament and engage with them.

There is a long list through which to work. I am hesitant about suggesting consultation on how to consult. That is going on elsewhere and we need to be more careful about that.

12:45

**Mr Paterson:** Do you think that we need to encourage more? Do smaller groups think that Parliament is not the place for them as big organisations will be here and they might therefore feel uncomfortable?

**Angela O'Hagan:** That is part of the reason and relates to the wider understanding of the Parliament. Strong principles on the ethos of the Scottish Parliament and the people being sovereign are enshrined in the CSG and elsewhere. Perhaps those principles should be directly promoted more often in parliamentary debate.

To answer your question and address issues that the convener raised, coming to the Parliament even as a professional is not always an entirely comfortable experience. We welcome and are keen to respond to invitations to come to the Parliament, but, in a sense, that is our business. However, coming to Parliament is not always an easy or comfortable experience. For many people, there will be access problems in simply getting to the Parliament. They must have the confidence to come in the door. To some degree, what I am saying concurs with comments that were made about Parliament's getting out and about and presenting a different face.

**The Convener:** Thank you. That brings us, finally, to Dharmendra Kanani and Lucy Chapman from the Commission for Racial Equality. I think that Mr Kanani is going to say something.

**Dharmendra Kanani (Commission for Racial Equality):** Indeed. Thank you very much.

**The Convener:** Did I pronounce your name properly?

**Dharmendra Kanani:** Indeed. I am conscious of the time and we will—

**The Convener:** I should explain that we must be out of the chamber by 1.30 pm. I do not think that we will hit against that, so you should not feel

unduly constrained. Everybody else has had a fair amount of time and you should get that, too.

**Dharmendra Kanani:** Indeed. I am simply conscious of people's ability to digest information. I would like a quality debate that is based on what we say.

We welcome this opportunity. The committee has received our submission. I will not go over it; we would like to pick out five areas for the committee's consideration. Before I highlight them, I want to say that this evidence session and the inquiry are critical. The inquiry gets to the heart of the Scotland and democracy that we want. It is about the tools that we make to create the Scotland to which we all aspire. The inquiry is critical in respect of the key principles established by the CSG and how the Parliament has adhered to those principles.

Over the past two years, the Commission for Racial Equality's work has been about winning the argument about racial equality within the parliamentary context. A key issue at the outset was the establishment of a parliamentary strategy for the first session of the Parliament. It is pleasing to note that many objectives that we established for the first two years have either been addressed or are being addressed as we journey towards the conclusion of the first session.

Over the past two and a half years, a number of tools have been established. The late Donald Dewar launched a mainstreaming checklist that was developed jointly with the Equal Opportunities Commission and the Commission for Racial Equality. It set out 10 questions that were designed to engender equality of discussion and thinking among parliamentarians in relation to their business in committees. It will be useful to note the impact of the checklist and it will be interesting to find out whether, two and a half years on, there is a memory of that document in the wider body politic of the Parliament and in the work that you are doing.

Over the past two years, there has been an incremental change in relation to equality, particularly racial equality. Tools such as the rapporteur scheme and civic engagement events such as the one that we held with the Equal Opportunities Committee to commemorate the 25<sup>th</sup> anniversary of the Race Relations Act 1976 have been useful, but we need to get to a point at which we can audit their impact. At the civic engagement event, some of the issues that are important to ethnic minority communities were aired, the ways in which the Scottish Parliament has or has not engaged with those communities were raised and a menu of issues for the Scottish Parliament was created.

Lucy Chapman will say a little bit about our

experience of mainstreaming equality.

**Lucy Chapman (Commission for Racial Equality):** The Housing (Scotland) Bill provides an important case study.

The fact that equality provisions were effectively de-mainstreamed during stage 2 and the fact that there was a reconsideration of the need for specific duties only at the last stage of the process following extensive lobbying by external agencies including the Commission for Racial Equality demonstrates either the existence of a lack of consensus through the structures of the Executive and the Scottish Parliament about the importance of mainstreaming equalities or a lack of understanding about the process of effective mainstreaming. The process also raised questions about the effectiveness of the committees in holding the Executive to account and being accountable themselves to the public and the external partners who make representations to them. There are also issues relating to accessibility, which have been touched on. In particular, there were concerns about the speed of the progress of the bill through stage 2, which had implications for effective scrutiny by MSPs and external bodies.

As we have already heard from the Equal Opportunities Commission and the Disability Rights Commission, the Scottish Parliament has significant powers to legislate on equal opportunities, even though it is a reserved matter. That power has been tested in the first few years of devolution and there is no doubting that much progress has been made by the Parliament in legislating for equality. However, the achievements to date have required much lobbying work by external agencies and that is reflected in the fact that there is still little consistency across the Parliament in terms of mainstreaming equality in policy and legislative development work.

Although the Equal Opportunities Committee provides a crucial role in scrutinising legislation and undertaking proactive work to promote equal opportunities, it cannot do all the work that is required. As we have heard, for consistent progress, it is necessary for all parliamentarians, particularly those serving on committees, not only to understand the equal opportunities legislation but to be confident about what they can legislate on in terms of the powers of the Scottish Parliament. MSPs should have a full understanding of the Race Relations (Amendment) Act 2000, which has resulted in a new responsibility being placed on public authorities to promote racial equality. We hope that the new context for racial equality is reflected in the work of the Parliament and that legislation is scrutinised for compliance.

The key to achieving that relies on parliamentarians learning how to promote equality effectively through their work and learning what mainstreaming equality—a phrase that has been used consistently—is all about. Training for MSPs in equal opportunities, as recommended by the CSG, remains a valuable suggestion for a way to ensure that all parliamentarians understand what they could and should be doing. The Equal Opportunities Committee has a key role to play in ensuring that that expertise is translated across the structures of the Parliament. We welcome the Equal Opportunities Committee's proposal to provide mainstreaming guidelines across the Parliament.

While it is important to talk about equal opportunities as a distinct principle, the subject cannot be divorced from the other principles of accountability, accessibility and the sharing of power. Dharmendra Kanani might want to discuss those aspects further.

**Dharmendra Kanani:** As we ponder the impact of the CSG principles on the conduct of the Scottish Parliament, we touch on several areas. The first is timetabling. How do the arrangements of business impact on parliamentary scrutiny, decision making and outcomes? Secondly, can we separate party commitments, manifestos and processes, and the relationship between the Executive and the Parliament, from the impact of the parliamentary process and the quality of equal opportunities that come about through the Parliament's decision making, work and discussion?

The third point is the purpose of evidence. Are we always clear about how we track evidence, who we bring in to give evidence and what are the different mechanisms by which we achieve evidence giving? In the context of black and ethnic minority communities in particular, there is a huge issue about capacity building and the relevance of the Scottish Parliament to daily lives. It is a point that Susan Deacon made. It is not just about the interests of communities across the board who want effective delivery of public services but, in the context of black and ethnic minority communities, how we make a Scottish governing body relevant to those daily realities. The issue of the purpose of evidence is critical.

Fourthly, there is representative democracy. The CSG principles were developed to create a different kind of democracy—a wider, participatory democracy rather than one that was centrally representative. One of the key issues for us is how, in the context of a new framework of human rights and a broader definition of equal opportunities in the Scotland Act 1998 and other legislation, we ensure that we achieve a representative democracy that takes risks and

enables individual MSPs to be much more entrepreneurial in their individual areas and their localities and to engage with communities.

Finally, as statutory equality bodies, what do we need to do to enable the Parliament to understand better the areas that we represent so that we make your job, and therefore the decision making and its impact on the lives of communities across the board, more effective? It is those kinds of questions that we want to pose for discussion, to be taken through to the committee report.

**The Convener:** Thank you. I pick up on the point that Lucy Chapman raised about the Housing (Scotland) Bill, which we heard about from witnesses in previous sessions as well. We recognise that the process seemed to collapse very quickly at the end. To a degree that could have been resolved by simply giving it more time, but is it as simple as that? Are there procedural changes? Are there ways of working that your observation leads you to believe we should consider and adopt, other than simply taking time to do the job properly?

**Lucy Chapman:** Timetabling is crucial. A squeeze on time undermines effective scrutiny by MSPs and external agencies. There is another point here, which is that when the bill was introduced we welcomed it as including a concrete equalities provision. The problem that we found was that those equality provisions were removed at stage 2 with the promise of the introduction of a broad equal opportunities duty. That duty was introduced only on the last day of stage 2, which did not give much time for proper consideration. Also of concern to us was the fact that we had lost specific duties through the process. Even though we made representations to committees and MSPs about that, at the last stage we were lobbying the Executive harder than the Parliament because we felt that we had more opportunity to get it through at stage 3 than at stage 2. That is an important point. How did it happen that the concrete provisions for equalities were taken out of the Housing Bill, only to be put back in at stage 3? That is a consideration for Parliament. How were the committees working to ensure that equalities were effectively mainstreamed?

**Dharmendra Kanani:** There is a broader question here about where in legislation we pitch the equalities argument. There must have been a sense in the Executive that a general equalities duty that created an overarching framework would bite at delivery at the end of the day. Our concern was that, in our experience, that is not what happens. It is not an issue of motivation—the motivation clearly existed: the scrutiny needed to test out the argument that a general overarching duty would not make an impact on the ground was not allowed.

What we need is a specific duty in the substance of legislation that means that those who deliver public services take cognisance of it at the point of delivery. That debate was not enabled to happen at that stage. This is a wider issue about understanding where we promote equality and how we ensure it bites at the point of service delivery.

**Lucy Chapman:** It might be worth giving the committee an illustration of that point. The equal opportunities provisions place a broad duty on Scottish ministers, local authorities and housing providers to promote equal opportunities in all the work that they do. An example of the specific duties that we were calling for is a duty on local authorities to account for the way in which they would build equality into their housing strategies. We wanted concrete duties to ensure accountability for promoting equal opportunities.

13:00

**The Convener:** In another session, we heard evidence about the extent to which the Housing (Scotland) Bill was shaped by a variety of working parties before the framing and presentation of the bill. It was suggested that we needed some form of scrutiny of that process. You seem to be saying that in this particular area there was not sufficient consultation with or involvement of people with an interest or expertise. You seem to feel that you were not involved in the bill, the withdrawal of the relevant sections and the preparation of the final stage 3 amendments and that the CRE went back to being a lobbyist, rather than an organisation that was contributing to policy development.

**Lucy Chapman:** That is quite right. There was a lot of pre-legislative consultation, and we fed into that. We were pleased that some of our proposals were taken up by the Executive and mainstreamed in the bill. However, as you say, we went from that position to having to lobby to reinstate provisions that had been there at the beginning of the process.

**Susan Deacon:** A real theme seems to be emerging today. You have made similar points to those made by the representatives of the DRC and the Mental Welfare Commission. We go back to the key question of the detail and implementation of legislation. Do you feel that on-going involvement has been sufficient, after the bill has gone through Parliament? I realise that much crosses over to the Executive at that point, but should the Parliament be doing more to monitor the implementation of a bill once it has been enacted? I am interested in the post-legislative phase, which many people have highlighted as the area in which things fall down—by accident, if not by design.

**Lucy Chapman:** That is a very good point. In

the case of the Housing (Scotland) Bill, there was much reliance on the supplementary guidance. The Parliament has a key role to play in monitoring the progress of such guidance and ensuring that the bill builds in equality.

**Dharmendra Kanani:** Over the past two years, we have seen the creation of a baseline of information and intelligence about what is happening externally. The Gypsy-Traveller inquiry spearheaded by the Equal Opportunities Committee is a case in point. In the next two years and beyond, we must reach a point where we can audit practice and establish the impact of legislation on delivery externally. The committees should lead on such inquiries on a thematic basis, whether on something specific, such as housing, or more generally, on matters such as equalities in relation to a public service. The impact issues must be considered much more critically.

**Susan Deacon:** Implementation is a preoccupation of mine, too. You spoke about the Housing (Scotland) Bill and the fact that you thought that some of the statutory duties on providers ought to have been broken down into more specific duties. Can you expand on the things that we might want organisations to do? Do you feel that the parliamentary process sufficiently draws the attention to the non-statutory provisions that might be necessary to support the changes? Does our legislative process, by definition, steer our thinking more towards statutory provisions, rather than aspects of guidance and training that might flow from them?

**Lucy Chapman:** The Parliament has to follow through because of the fact that legislation might include duties that are supported by supplementary guidance, and it is crucial that parliamentarians understand how the process operates on the ground. Furthermore, there are issues about the scrutiny process for secondary legislation. The fact that it is impossible to amend such legislation might act as a driver to removing duties or stipulations from the bill itself. We lobby hard for certain stipulations to be included in legislation because we think that if something is included in the bill, it cannot be removed, whereas a reliance on guidance or secondary legislation might give rise to concerns that such elements might be delayed or that we were not as heavily involved in drawing it up.

**Dharmendra Kanani:** The Parliament also has tremendous scope to capture best practice or guidance in support of legislative imperatives. If committees prioritised such an element, much more weight would be attached to the guidance. There is great scope for a thematic audit of guidance, to test-drive its ability to promote good practice. Not enough of that has happened in the past two and a half years, and it needs to be

promoted much more.

**Mr Macintosh:** I have two questions, the first of which is a continuation of that point. Obviously, after two and a half years, custom and practice in how we deal with legislation are bedding down. For example, the timetabling of bills has been improved—at least, I hope that there have been improvements; there have certainly been changes. Since the Parliament started, have you seen a succession of improvements in dealing with legislation and in the ability of organisations to make their views clear as legislation proceeds through its parliamentary stages? Is the situation getting better, or is the fact that you have had some successes no guarantee of future success?

**Dharmendra Kanani:** The early days of any new organisation that grows provide an opportunity to take risks or be much more creative because processes have not bedded down. For example, one of our first challenges in the Parliament was the Census (Amendment) (Scotland) Order 2000, with which we had a tremendous success. Next came the passage of the Standards in Scotland's Schools etc Bill, during which we engaged effectively with the whole parliamentary process. There have been gains and losses. However, with stage 2 of the Housing (Scotland) Bill, we felt very confident that the process had worked and that we did not have to provide a rationale for equality-proofing the bill. As that thinking had already been done, the process concentrated on removal, re-engagement, rationalisation and rethinking.

That does not answer your question very neatly; however, I think that the issue is about how an organisation wants to move forward. If these principles are to be taken seriously, I would caution against the bedding down of ways of working. They should be constantly reviewed and scrutinised to ensure that the procedures in Scotland are very different from what we have down south.

**Mr Macintosh:** You have made that point well. We should not atrophy after two and a half years, and I hope that we have not.

My second question follows on from your interesting point about how you worked with the Parliament to join up the racial equality agenda. I have already asked the different organisations giving evidence today about how the Parliament thinks strategically about its equal opportunities role. Indeed, you end your submission by questioning the role of statutory commissions and asking what you, as an outside organisation, can do to help. That is a welcome development. We rarely get people asking our committees, "What can we do for you?" Are there any other commissions or organisations—the Equal Opportunities Commission comes to mind—that

could work with the Parliament in such a way instead of the Equal Opportunities Committee, the Scottish Parliamentary Corporate Body and other internal bodies drawing up an equality strategy for the Parliament themselves?

**Dharmendra Kanani:** I am sure that there are. There are a number of bodies that can engage in that way. However, it is all about time and moment. Individual agencies such as the CRE were conscious of the fact that race equality will not feature highly and is not prominent as an issue in the context of Scotland, particularly within the Scottish Parliament. We felt that we had to set out our stall on those issues. That was critical to the success that has been achieved in the past two and a half years.

We have an equalities co-ordinating group that is made up of representatives from the statutory equality agencies and people working under the broader definition of equal opportunities. We work together and meet on a regular basis. We hope that that process will engineer a more strategic approach to equal opportunities from the outside in, as opposed to reliance upon internal factors.

An issue for us is how to ensure that there is an infrastructure to deal with equalities within the body politic of the Scottish Parliament—possibly through the Parliamentary Bureau and the appointment of an equalities manager. We also need to ensure that each of the various committees has some kind of champion for equality issues, so that those issues are constantly challenged at committee level. That is critical and the strengths of that cannot be avoided.

**Mr Macintosh:** It has to be internal.

**Dharmendra Kanani:** Absolutely.

**The Convener:** I think that that exhausts all the questions. I thank the Commission for Racial Equality for its evidence, particularly Lucy Chapman, who spoke more quickly than anyone else I have ever heard at any committee of the Parliament. I am sure that the official report will be grossly overstretched.

I thank all the contributors today. It has been a long but very useful session. I particularly thank those who have stayed throughout the session. I hope that you found interest in the points that others made from different perspectives on the same overarching issue.

The committee will dispatch the remaining agenda items quite quickly, I hope.

## Written Questions

**The Convener:** It seems as if Hugh Flinn has waited all day. The floor is yours.

**Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting):** I have nothing to add to the content of the report. I think that the figures speak for themselves on this occasion.

**Mr Macintosh:** The figures do speak for themselves. There has been a marked improvement, which is to be commended. Obviously, we have still not reached the levels that we would desire. The latest figures seem to show a drop-off, although the overall trend is positive. I take it that there is nothing significant in the level of questions answered dropping back down to 75 per cent from the previous figure.

**Hugh Flinn:** I do not think so. It is more that in the previous four-week period, an exceptionally high proportion of questions was answered. The figure of 75 per cent is more in line with performance in the four-week period before that.

**Mr Macintosh:** Are you aware that we are reaching maximum output? Are we reaching optimum levels of performance, or is there still room for improvement?

**Hugh Flinn:** That is a matter on which the Executive should comment. That said, over the past six or seven months, the underlying figures show a sustained trend of improvement.

13:15

**The Convener:** I take it that you are aware of the points that Dennis Canavan raised last week at the end of First Minister's question time. He highlighted a couple of questions that had been kicking about in the system for a very long time. The good news is that the overall picture does not bear out the view that the situation is bad or getting worse. It is clear from the figures, or from the instances that Dennis Canavan raised, that there remain isolated examples of questions that are outstanding for a long time.

We were told that the tracking system that the Executive brought online earlier this year to identify long-outstanding questions should lead to the problem being cleared up. What is your perspective on how the system is working? Have you any idea why, notwithstanding the new software, the two difficulties that were highlighted by Dennis Canavan arose?

**Hugh Flinn:** I could not comment on the reasons for difficulties in individual cases. As the figures show, some types of question have always fallen in the category of questions answered in

eight weeks or more. However, over the past year, the number has decreased significantly.

**The Convener:** Thank you.

The recommendation is that we to continue to monitor the situation. In that respect, we are to receive a further report. I am sure that we all agree to that.

We look forward to the improvement being sustained and to the percentages improving further. Given the criticism that has been generated by the issue, it is only fair to say that there is a degree of satisfaction in seeing the performance improve to its present level.



## Committees (Substitution)

**The Convener:** We move to item 3, which is consideration of a long and detailed paper on substitution on committees of the Parliament. Alison Coull joins us. Do you plan to speak to the paper?

**Alison Coull (Scottish Parliament Directorate of Legal Services):** No. I am here to answer members' questions.

**The Convener:** The report picks through each question that was included in the questionnaire. At the end of each question, there is a summary recommendation. Given the substantial nature of the report and some of the issues that are raised by it, I am reluctant to go straight to the recommendations. Perhaps we can take the paper question by question so that members can raise any comments that they would like to make. On that basis, we move to the more detailed sub-report, the first question of which is set out in paragraph 7.

**Mr Macintosh:** I would like to clarify whether the report will be come back to us as a draft report.

**The Convener:** Yes. Other issues may also arise, but we are trying to give a steer. The report is not in its final cut, but I do not want to send officers away with no indication of what the committee's views are.

Are members happy with the recommendation at paragraph 7 that substitution should be made only in identifiable circumstances, not willy-nilly?

*Members indicated agreement.*

**The Convener:** Paragraph 8 identifies a set of categories in which substitution should be permitted. I agree with the categories, although I am wary of being absolutely categorical in any list of definitions, as you can bet your bottom dollar that a circumstance will arise that no one has thought of. The paper should contain a recommendation that certain categories of substitution ought to be allowable. The circumstances that are mentioned in the paper seem reasonable.

**Mr Macintosh:** I agree. The categories include circumstances in which substitution should be granted. Perhaps we should include them as examples rather than as a prescriptive list.

**The Convener:** Everyone is happy with that.

Paragraph 9 asks whether the relevant party business managers should be responsible for arranging substitution. We are invited to agree to that proposition.

*Members indicated agreement.*

**The Convener:** Paragraph 10 asks whether party substitutes should be named. The paper discusses that point fairly fully and, at the end of paragraph 13, we are invited to agree that a system of named substitutes should be recommended.

*Members indicated agreement.*

**The Convener:** That point is really at the heart of the matter. I noticed that the Parliament was criticised last week for having placed two MSPs on the Rural Development Committee to deal with legislation, as two members of the committee had departed to become ministers. I felt that that criticism was unreasonable. It was perfectly appropriate for unavailable members to have been replaced on a committee that was dealing with legislation. A system of named substitutes will take care of such situations for all time and should prevent the circumstances from recurring.

Paragraph 14 says that the substitution system should not apply to private bill committees, as members will not sit on those committees as party representatives to the same degree. There is likely to be such a level of detail and complexity in the business of those committees that the attendance of the members of those committees will be required. Do members agree?

*Members indicated agreement.*

**The Convener:** Paragraph 15 raises the issue of whether there should be more than one substitute. We are invited to accept the recommendation that there should be only one substitute per party per committee for the reasons that are given. Do members agree?

*Members indicated agreement.*

**The Convener:** Paragraphs 16 and 17 ask whether substitutes should be allowed to act as conveners, deputy conveners and reporters. The recommendation is that the substitute should act as an ordinary committee member, rather than undertake any of the permanent responsibilities of running the committee. Do members agree that that is a sensible recommendation?

*Members indicated agreement.*

**The Convener:** Paragraphs 18 and 19 invite us to agree with the proposition that substitutes should be allowed to take part in the full range of committee business. Do members agree?

*Members indicated agreement.*

**The Convener:** Paragraph 20 asks whether the substitute should have a single vote or whether they should be entitled to represent several absent MSPs. That raises the delicious scenario of five members at a committee voting one way, with the only other member present casting five votes the other way. The recommendation is that the

substitute should dispose of a single vote only.

**Mr Paterson:** There are no block votes here.

**The Convener:** Indeed. That has slapped you down, Kenneth.

**Mr Macintosh:** I agree. I also agree on behalf of Frank McAveety, who is not here. [*Laughter.*]

**Mr Paterson:** Vote early, vote often.

**The Convener:** That takes care of paragraph 20. We agree to the recommendation therein.

Paragraph 21 turns to the issue of single individuals or single-member parties. The recommendation is that substitutions for such members should not be acceptable. However, if those members were to be sufficient in number to constitute a party—to use the term as it is used by the Parliamentary Bureau—it would be reasonable to allow substitution. Perhaps we should draw that recommendation to the attention of the three individual MSPs and ask for their views in time for us to consider them when we finalise the report. I know that they have had an input into the report, but this point specifically addresses their position. They may have a different view to that of the committee, and we should hear that view.

*Members indicated agreement.*

**The Convener:** That would have to be done quite quickly, to get a response back in time for our next meeting.

We now roll on to paragraphs 22 and 23, which ask whether substitutes should receive committee papers, including private papers. The logical thrust of our discussion earlier is that substitutes would become, in effect, full committee members, which points us in the direction of their receiving all the documentation. Whether they will have time routinely to read that documentation is a matter for the substitutes to manage. Is that agreed?

*Members indicated agreement.*

**The Convener:** Paragraph 24 suggests that there should be no formal notification of substitutes because the clerks will have already the substitutes' names. The substitute's appearance will signal that a substitution is being made. It will be the party business manager's responsibility to nominate the substitute in the first place. However, we do not seek to impose a committee by committee duty on the party business manager. Alison Coull indicates that I interpreted this matter correctly.

**Mr Macintosh:** I can foresee a difficulty in the case of a reshuffle, when members are changing committees. We are assuming that a substitute will be named in advance. However, a reshuffle could affect substitutes and members. The substitution should be notified at the start of the committee; I

do not think that there should be a delay. Perhaps that needs to be made clear.

**Mr Paterson:** I am sorry. Could you run that past me again?

**Mr Macintosh:** The paper says that there is no need for notification of a substitution before the start of a committee because we would know already the identity of the substitute. The party business manager would decide in the Parliamentary Bureau who the substitute should be. That is great for run-of-the-mill committee meetings, but not for a meeting that takes place the day after a reshuffle or when it is time for a change. Not only would the committee members have changed, but the substitutes would have changed at the same time. In that case, there would need to be another meeting of the bureau.

**The Convener:** Is that in the same category as committee membership? Part of the incidental fall-out of any reshuffle will be that business managers will need to be alert to the requirement to change substitutes whenever they change committee members.

**Mr Macintosh:** Yes, I suppose that is so.

**The Convener:** I have a point to raise on an aspect that is not spelled out explicitly, but it is implicit and members should take a view on it. The supposition is that if a member does not turn up on a particular day because of a specific problem, the substitute will take their place. It is possible that a member could have a clash of commitments on the day of a committee and might not be able to be there for, say, the second half of the committee.

If we intend that it would be acceptable for a substitute to replace the principal member when that member has to leave, for whatever reason, then we should possibly spell that out in the report and the recommendations. If we are not happy with that, we should consider the issue in the round at our next meeting.

A member might be hauled up before a party whip at 11 o'clock on a Wednesday morning to answer for something or might have a medical appointment but be able to turn up for the rest of committee. If a member has a legitimate reason for doing something at 11 o'clock instead of being at a committee meeting, should that be allowed?

Obviously, the member cannot be prevented from doing something else, but is it reasonable for the substitute to cover for the member for part of the committee meeting only instead of being there for the whole committee meeting? That loosens and stretches the procedure a bit, but one can imagine circumstances where that might be reasonable. As that aspect of the matter has not been specifically addressed in the paper,

members might want to reflect on it for the time when we come to finalise the matter.

**Mr Paterson:** Is that reasonable, though? For example, this morning I left the meeting for an hour and then returned. The substitute procedure is going to be piecemeal anyway. There are two reasons why I would not be happy for a substitute to come in for part of a meeting. It would be an abuse for a substitute to come in only for a specific agenda item, but more important is that it would be unfair to a substitute and to the committee if the substitute participates only for part of a meeting. The substitute might lose the thread of what is happening.

**The Convener:** The substitute could be there for the whole meeting, but would only be there in a voting capacity if the principal member was absent. I am more concerned about the legislation issue. If I cannot be present at a meeting when a committee is conducting an investigation, it is important that I can arrange for a colleague to go in my place. I presume that the convener would allow any member who is interested in the work of the committee to take part in it.

The substitution arrangement would cover committees' confidential sessions, which is not permitted at the moment; it would also cover the voting part of a committee meeting, which is generally only important when dealing with bills.

**Susan Deacon:** I do not want to comment too much on this issue. I know that there is a long history to it and I was not party to the earlier discussions. However, I am instinctively uncomfortable about allowing a member to be substituted part of the way through a meeting when legislation is being considered or an important item on which there might be a vote is being discussed. I find it very difficult to imagine circumstances in which other appointments or meetings could not be rescheduled.

**The Convener:** I can give you a good example of that. Dr Elaine Murray was whisked out of a meeting of the Rural Development Committee to be given a job by the First Minister.

**Susan Deacon:** That may be a good example, but—

**The Convener:** As a result, amendments in Dr Murray's name were lost.

13:30

**Susan Deacon:** One could argue—good grief, this is on record—that it would not be illegitimate to say that if a member is participating in a meeting of a parliamentary committee in which there is likely to be a vote on something important, their meeting with the First Minister should be scheduled half an hour later, given that normally

Cabinet appointments are made over the course of a day.

**The Convener:** We would have to educate the First Minister to accept that he cannot simply whisk members out of committees that are dealing with legislation.

**Susan Deacon:** I do not want to get too caught up in the example that the convener has given, but I stand by my initial assertion that substitution part of the way through a meeting should take place only in truly exceptional circumstances. I recognise that the paper makes the recommendation—which I support—that the arrangement should be monitored for a year and that we are in the realms of speculation. However, it is important that at an early stage we should draw a line somewhere. All too easily members could get the sense that it was all right for them to nip in and out of meetings, with the result that they failed to make sufficient effort to reschedule other commitments.

**The Convener:** I flagged up the issue of substitutions during committee meetings because I wanted to ascertain whether it was implicit in the paper. From the discussion that we have had, it is clear that some people see the issue one way and others see it differently. Only half of the committee is here and we do not have to resolve the matter today. We will ask the clerks to highlight the relevant section of the *Official Report* of today's meeting to those members who are not here and to advise all of us that we will be expected to resolve this issue when we finalise our report.

I will take a point from Gil Paterson, but after that we must move on because we are running late.

**Mr Paterson:** It looks as if there will not be the same arrangements for the minority parties and Dennis Canavan as there will be for the main parties. Tommy Sheridan, for example, would not be allowed to nominate a substitute, but members of the main parties would be able to drift in and out of meetings at will. That would be undemocratic and unfair. Like Susan Deacon, I think that we need to draw the line somewhere.

**The Convener:** Given the way in which Tommy Sheridan drifts in and out of the Parliament, such a provision might not be inappropriate. However, there is a difference between what people do and what they are entitled to do.

**Mr Paterson:** We need to build an arrangement that works for everybody. Allowing substitutions during meetings would be one step too far. I do not agree that an accommodation cannot be made for Tommy Sheridan, Robin Harper and Dennis Canavan. They could operate a system in which they substituted for one another. The current proposals would work against them quite

dramatically, which would be very unfair.

**The Convener:** I must speed you out. We were supposed to be out of here three minutes ago.

**Mr Paterson:** I have said what I wanted to say.

**The Convener:** Gil Paterson's point is on the record and can form part of our considerations when we next discuss this issue.

Because of what we have agreed about notice, periods of notice will not apply, so there is no choice to be made between the options set out in paragraph 25.

Paragraph 27 recommends that we monitor the new system and receive reports on its operation, with a view to effecting any further changes that experience suggests may be necessary. Is that agreed?

**Members indicated agreement.**

**The Convener:** That covers paragraph 28. If we have failed to deal with any proposal that is made in the paper, no doubt the clerks will bring that to our attention at our next meeting.

Paragraph 29 simply notes that, in the fullness of time, changes to standing orders will be required.

## Committee Business

**The Convener:** Paper PR/01/14/4 provides notification of the public meetings that we have agreed to call in the south, the west and the north, on the basis that we are very Edinburgh focused. We have been asked today to agree which members will attend those meetings, but I do not think that that is realistic. I would like to think that at least two, perhaps three, members will be able to attend each meeting, but I recognise that meetings on Friday nights do not necessarily fit in with members' forward work programmes and lifestyles. They are not in line with the principle of a family-friendly Parliament. I will aim to cover two of the three meetings, and I hope that there will be support from other members for the remaining meeting. We will make the arrangements by e-mail. Do we agree to note the position?

**Members indicated agreement.**

**The Convener:** That concludes this marathon four-hour meeting.

*Meeting closed at 13:35.*

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