

PROCEDURES COMMITTEE

Tuesday 15 January 2002
(*Morning*)

Session 1

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CONTENTS

Tuesday 15 January 2002

Col.

CONSULTATIVE STEERING GROUP PRINCIPLES INQUIRY	1217
STANDING ORDERS	1256
FIRST MINISTER NOMINEE (SELECTION)	1258

PROCEDURES COMMITTEE

1ST Meeting 2002, 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)

WITNESSES

Rev Graham Blount (Scottish Churches Parliamentary Office)

Jalal Chaudry (Scottish Civic Forum)

Eileen Francis (Scottish Civic Forum)

Lynne Raeside (Scottish Civic Forum)

Donald Reid (Scottish Civic Forum)

Martin Sime (Scottish Civic Forum)

Debbie Wilkie (Scottish Civic Forum)

Dr Ben Young (Scottish Civic Forum)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

LOCATION

Committee Room 3

Scottish Parliament

Procedures Committee

Tuesday 15 January 2002

(Morning)

[THE CONVENER *opened the meeting at 09:30*]

Consultative Steering Group Principles Inquiry

The Convener (Mr Murray Tosh): We shall begin, ladies and gentlemen, as it is 9.30 and we are quorate. We expect additional members to arrive but, because of the transport situation, no one can guarantee that that will be immediate. We could wait for a while and find that it made no difference. We have apologies only from Donald Gorrie, so I believe that the other three members of the committee will arrive shortly.

The first item on the agenda is a presentation by Graham Blount on behalf of the Scottish Churches Parliamentary Office. A paper has been circulated but, as ever, we will give the Rev Blount the opportunity to address us before we lead off with questions.

Rev Graham Blount (Scottish Churches Parliamentary Office): I am grateful for the opportunity to open a discussion about the paper that we submitted. We consider the consultative steering group principles inquiry to be significant at this stage in the development of the Parliament. What we present comes from the Scottish Churches Parliamentary Office's experience of trying to enable a significant part of the voluntary sector in Scotland to make a contribution to the new political process. That experience has involved all kinds of ups and downs in the past two and a half years. Sometimes it has been exciting and encouraging; sometimes it has been frustrating.

I am conscious that our experience is that of a group that has been able to devote resources to monitoring and building relationships with the Parliament. Many smaller groups do not have that ability. Our perspective is that of stakeholders in the Parliament—not just because the churches were a part of the movement out of which the Parliament came, but because we work on the basis that the Parliament is ours and was created to enable all the people of Scotland to make better decisions for our commonweal.

We regard the CSG principles as guidelines on how the Parliament can fulfil that enabling role. If

the CSG principles become a hurdle of any kind, which has to be got over to do things, something has gone wrong. The CSG principles are the guidelines on how the Parliament can enable the people of Scotland to make decisions for our common welfare.

I am aware that many of the points that we raise have been raised by other groups who have given evidence, including members of the CSG. I want to highlight two of the key points that we make about the working of committees, which we consider to be the quiet success story of the Parliament. I say "quiet", because the committees largely go unreported in the media—at least when things go reasonably smoothly.

We are seriously concerned about the amount of business in committees that is routinely conducted in private. During the past year, four of the Parliament's committees had substantial items in private at more than 50 per cent of their meetings. The discussion of future work programmes—which is more than just housekeeping, as important decisions are made—and the discussion of draft reports are important parts of the process, from which members of the public, whether in person at meetings or through the *Official Report*, should not be routinely excluded. Power cannot be shared if people are excluded—especially if they are excluded on the basis that they will fail to understand what is happening and will confuse a draft report with a final decision.

Furthermore, it does not encourage participation if people give evidence publicly, which is then discussed by the committee in private. I had the experience of facilitating for an asylum seeker and people from the churches and the Scottish Refugee Council who gave evidence to one of the Parliament's committees. They had a good hearing. The minutes of the occasion record that the committee then went into private session to discuss the evidence that it had just heard and to decide what it was going to do in the future. That is profoundly discouraging from the point of view of participation. Just as it is right that the bodies who give evidence should do so in public, it is right that committees' thoughts on that evidence should be aired in public.

We are also concerned about the reshuffling of committee membership, which seems to take place fairly regularly. That inhibits the development of expertise, teamwork and strategic planning. Although there is something to be said for committee members gaining a variety of experience, there is more to be said for building up expertise and teamwork in the committees. We hope that there might be mutual agreement among the parties that there should be less fiddling with committee membership in the future.

The paper raises other issues and other

points—notably on time for reflection—have been made in other evidence to the Procedures Committee. I am happy to respond to any points that committee members want to raise.

The Convener: We have been joined by all the committee members we are expecting. Donald Gorrie has a clash of commitments. I am sorry that everybody came in just as you had started. I had no way of knowing when members were likely to arrive. I would have waited if I had realised that the delay would only be a few minutes.

I thank you for your presentation and your paper. I have raised some of the points with the conveners liaison group, which meets in private. Although the discussion took place in private, I am sure that the conveners would be happy for the points that were made to be put back to you and to all the other people who have raised committee confidentiality.

Several conveners stressed that they like to discuss the questions to witnesses before meetings, because sometimes they want to press witnesses for answers and feel that prior discussion of the questions is advantageous. That is not always the case, but sometimes such discussion is useful.

The conveners also felt that agreeing draft reports in private was important for two main reasons. First, they want to maximise the impact of the finished report. Like you, they feel that the committees do not get much publicity for their work and they like to bring out a report with some impact. Secondly, they felt that, frequently, negotiation among the politicians on committees was greatly facilitated by discussing matters privately rather than in public. They thought that if everything was in public, there would be a striking of attitudes and failure to agree on the scope for developing consensus.

It would be fair to say that the great majority of committee conveners felt that the committees had been criticised unfairly on confidentiality and that they could justify the circumstances in which they went into private session. They did not dispute that 50 per cent of meetings featured a private section, but did not accept that that means that 50 per cent of business has been conducted in private, because most of the private items are relatively low key. The most significant use of privacy was to conclude reports after the hearing of evidence.

I ask for your comments on those points.

Rev Blount: I do not believe that a discussion about what questions will be asked prior to the arrival of a witness is a substantial item. I have no problem with that being dealt with in private.

I am much more concerned about draft reports. MSPs and others have raised with me the points

that you raise. It would be a great pity if discussion of draft reports became a matter of posturing, but I believe that those who give evidence to committees are entitled to find out how their evidence is weighed up—that is an important aspect of participation. Sometimes, a final agreed report can be read as being very dismissive of evidence. It is obvious that, if different points of view have been expressed, a report must come down on one side or the other on some issues, but those who give evidence should be entitled to something more than simply the committee's decision to disagree with or support them. The discussion about what weight to give evidence—whether the evidence had holes in it or whether the argument was weak or tendentious—and the reasons why the committee came down on one side or the other should be far more transparent, to encourage people to participate fully.

The Convener: Should committees address the evidence more fully in their substantive reports and explain why evidence was accepted or not?

Rev Blount: That would be a step forward. Moving to greater transparency and holding much more business in public is part of growing up. Conveners may say that there would be posturing about reports, but if the issue is dodged, people will not get the opportunity to grow up. The same applies to how the press deals with draft reports—that issue has also been raised. If the press operates on the basis of wee leaks, it is obvious that there will be fairly childish treatment. The committees need to be bolder and take the risk of allowing the public and the press to see draft reports so that they grow up and understand what a draft report is and what a final decision is.

Fiona Hyslop (Lothians) (SNP): I want to explore that issue further. Consider the petition on asylum seekers. I was a member of the committee that initiated the inquiry, but I left it—that reflects changes in committee membership. The evidence did not seem to be discussed before it went into a report. Is there a case for discussion of evidence, if not draft reports, in public? I have seen the contents of draft reports change almost completely. There must be scope for resolving the contents. That is the first issue.

The second issue is that, under the heading "Access and Participation" in your submission, you mention the relationship between the Social Justice Committee and the Communities Against Poverty Network, which is an innovative and successful way of working. When John McAllion and I persuaded the committee to embark on that relationship, the first meetings were in private. There was strong evidence on fuel poverty, but we faced difficulty in getting that on the record so that it could be used to inform the report at stage 1 of the Housing (Scotland) Bill, for example. There is

a difficulty there.

Would you be satisfied if committees were encouraged to discuss evidence, rather than draft reports, in public?

09:45

Rev Blount: I would consider that to be a significant step forward. It seems to me and to others to whom I have spoken that what standing orders say about discussing draft reports in private has worked its way progressively back through the system. With the asylum seekers petition, a discussion that could have led to a draft report was taken in private. We would welcome anything that minimises the amount of discussion that takes place in private. Transparency and how evidence is dealt with are important in respect of participation. We would strongly welcome Fiona Hyslop's proposal as a step forward, but I balk at saying that we would be entirely satisfied if the process for discussing draft reports continued.

Fiona Hyslop: There was a workshop-style format with organisations such as the Communities Against Poverty Network. Witnesses did not sit in a circle and face questions and answers, although that did happen informally. Would such an organisation want television cameras and the *Official Report* to capture what was said? Would that diminish people's sense of accessibility? At what point should the line be drawn between, on the one hand, accessibility and participation for people who do not usually take part in such processes and, on the other, ensuring that what is said is on the record for Parliament's use in official decision making?

Rev Blount: On the Social Justice Committee's relationship with the Communities Against Poverty Network, we welcome a variety of ways of engaging with groups. Such a relationship is different from taking evidence, as is happening now. There should be a mechanism for reporting back the outcome of such meetings to committees, whether through a reporter's paper or a full minute attached to the committee's papers. There are a number of ways of working in such continuing relationships. Such a set-up is sometimes appropriate to facilitate participation, but it is not the only way to engage with groups. There are other ways, which involve less glare from television lights.

Fiona Hyslop: I have questions on other subjects, but I am happy to ask them later.

Mr Kenneth Macintosh (Eastwood) (Lab): It has been said that committees meeting in public rather than in private might encourage more posturing.

The Convener: I think that I used that

unfortunate expression. It perhaps painted an excessively lurid picture for the benefit of the tabloid press, which is not, however, represented here.

Mr Macintosh: I am concerned that there would be a politicisation of debates. One aspect of Parliament's success, which has been pointed out, is the success of committees in reaching consensus. If all discussions, particularly on draft reports, were conducted in public, instead of the majority of committees finding huge areas upon which members agree so that they can proceed, there might be a greater focus on areas upon which we disagree and, certainly, greater politicisation of debates. We are accountable to our electorate in many ways—because of our political allegiances, for example. Such allegiances would come out more in committees and take away from committees' work. Do you understand that fear?

Rev Blount: Indeed. I am grateful to the convener for saying that he and not I used the word "posturing".

I am slightly disturbed at the thought that politicians doing something in public will lead to what you describe as party politicising or posturing in debates. I am a member of the public who is not a member of a political party and it seems to me that many people appreciate the committees' work in building consensus instead of party posturing. You seem to be saying that that can be achieved only in secret, but that is almost a reversal of what I think many people in Scotland want of our MSPs. They want them to get beyond posturing and would appreciate an honest discussion that builds consensus. They do not want the posturing that infects some of the more public sessions of Parliament, such as question time.

Mr Macintosh: I am not suggesting that—I am asking for your view. Committees do not meet in secret; they meet in private. I ask about your experience. I can think of many times when committees have discussed a topic on which the parties have policies and committee members have been anxious to give themselves the freedom to discuss the topic openly and to depart from those policies, which they have done. It is a question not of my fear, but of what you think. Do you accept that party politicisation might increase if all committee business were conducted in public? Politicians would make speeches instead of discussing points and having a bit of give and take.

Rev Blount: I accept that as a danger, but it could and should be worked through. I disagree with the premise of your argument, which takes the current way in which the party system works as a given that cannot change.

Mr Macintosh: That moves us on to other points that I may raise.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I will take the issue slightly further. The discussion has centred on the process by which committee reports are compiled. How effective have the final reports and their presentation and communication been? The process by which a report is prepared and the effectiveness of a final report are related, as the process impacts directly on the report itself.

I appreciate that those who have given evidence watch carefully the process by which a report is compiled, but it is arguable that what can or should impact on the wider populace is the end-product. You have not said a great deal about how effective the Parliament has been in communicating that end-product to the wider public, whether through the media or through the wider dissemination of information through organisations and into communities. I would be grateful for your comments.

Rev Blount: On your final point, I appreciate that there is a problem in communicating reports to the media. Reports, such as those on the Scottish Qualifications Authority, in which I was very interested, are the end result of a lengthy period of discussion. As final reports are produced at the end of a discussion and may not contain much that is new, the media may not be terribly interested in them or in their detail.

I hope that committees are considering ways of addressing that problem and might involve the organisations that give evidence and other organisations in discussing a report after it is finished. The Parliament's committees would not be unique if, after putting much work into a report, they breathed a sigh of relief when they finally finished it and said, "Now we can move on to something else." However, scope exists for further discussion of a report with interested parties, if a report is to have any effect. More could be done, but I do not criticise how things have been done.

Susan Deacon: Have you, the churches or organisations with which you work been aware of that end point? If so, how has it been communicated to you?

Rev Blount: I have been involved with groups that have given evidence, which have been informed of the publication of a final report. I think that I am right in saying that that has not always happened, but that has been the practice some of the time and is welcome. I encourage discussion of a final report in the churches.

Mr Frank McAveety (Glasgow Shettleston) (Lab): In a sense, I am the one who is perturbed—I might as well jack my question about what is discussed in private session. That is not the

central issue in the public's awareness of the Parliament; the key issue is the Parliament's broader accessibility throughout Scotland. Will you expand on the reference in your submission to the regional approach in Wales? I am unfamiliar with that and it would be beneficial to find out whether anything of assistance can be picked up from it.

Rev Blount: The starting point is an impression. I talk a lot with church groups in different parts of the country and I have the impression that interest in and enthusiasm for the Parliament decrease the further you are from Edinburgh or the central belt. That is a serious concern.

The Justice 2 Committee was in Inverness yesterday and I note that committees are beginning to meet a wee bit more outside Edinburgh. In consultation with my Welsh counterpart, I discovered that the National Assembly for Wales has built into its structure regional committees. Concern was expressed about north Wales being cut off from the Assembly, so the act that established the Assembly committed it to a committee for north Wales and it was decided that regional committees for all parts of the country would be established. The Scottish Parliament should at least consider that.

The Welsh regional committees meet in the part of the country for which they are responsible and bring together all the Assembly members—constituency and list—for that region. They seem to attract significant numbers of members of the public and to build up the Assembly's credibility for having a genuine interest in all parts of the country. I hope that they are more than a public relations exercise. The Scottish Parliament should think about such committees. One problem might be the relationship with local authorities, but that has not been an issue in Wales.

Mr McAveety: What issues are raised in those forums? What policies or concerns are discussed and reflected in a unified approach from the Assembly?

Rev Blount: Any matter that can be raised in the Welsh Assembly can be raised in the meetings of the regional committees. If concern were expressed about how the enterprise system was working in one part of the country, the regional committee would feed back the issue to the appropriate specialist committee. That is how I understand the system to work.

Mr McAveety: How could we overcome the perceived scepticism that you mentioned? You said that the further you travel from the seat of the Parliament, the greater the scepticism about the Parliament's value. What are the strategies for addressing that? During the Scottish Constitutional Convention's debates, one argument for changing

the electoral system was the fact that such a change would reflect broadly the divergent views and party affiliations in Scotland. Those are better reflected now than they would have been under the previous electoral system, but the scepticism remains.

Your submission has an absolute absence—that is not necessarily your fault—of information on other European forms of governance and whether similar disconnection exists. It strikes me that we are not immune to the broader phenomenon of participation in democratic affairs.

Rev Blount: Even relatively well-resourced organisations have their research limits.

In initial feedback about the Parliament, those who had the most interaction with the Parliament tended to feel the most positive about it. If committees—the present subject committees or new regional committees—were to meet in different parts of the country, thereby enabling a wider group of people either to give evidence or to be present at what was going on, that would enhance the sense of ownership of the Parliament outside Edinburgh.

10:00

Mr Gil Paterson (Central Scotland) (SNP): In the paragraphs on sharing power in your submission, you touch on the possibility of committees having permanent homes outwith Edinburgh. Have you any particular committees in mind? If so, where should they be and why?

Rev Blount: That issue came out of the CSG report as being one way in which the Parliament could have greater contact with different parts of the country. It seems to me that Edinburgh is not the most rural part of Scotland and that therefore the Rural Development Committee might be a committee that could have a natural home outside Edinburgh.

Fiona Hyslop: My question is also on sharing power. Rev Blount, like others, has been concerned about the changing membership of committees. We have had three First Ministers, all of whom have wanted to put their own stamp on their Cabinet. That has had knock-on effects on committees, not only for the party in power, but for Opposition parties. If we did not have a change of First Minister during a parliamentary session, would we be more likely to have stability, with static membership of committees? It might have been only circumstances that caused changes to committee memberships; the trend might not continue.

Rev Blount: I appreciate that changes of First Minister have played a significant part in the changes in committee membership. However,

when I look at the changes that have taken place, I feel that that has not been the only factor by any means. I hoped that what had to happen because of changes in the Executive would have encouraged a minimisation of other changes in the committees, but that does not seem to have happened. One certainly hopes that, if we are in for 18 months of greater stability in the Executive, that will lead to greater stability in the membership of committees.

Fiona Hyslop: In paragraph 1.4 of your submission, you express concerns that party groups might be used to

“limit the power of individual MSPs as well as that of the wider public.”

I want to ask in particular about the role of back benchers and their freedom to express their views. Would you be concerned if any back bencher, or MSP, had to get permission from his or her party manager before signing a motion that had been lodged by a member of another party?

Rev Blount: I am reluctant to comment on that kind of detail, partly because such processes in the political parties are not open and it has therefore not been possible for me to build up expertise on how they do work or should work. On the face of it, the suggestion that that might happen is discouraging. I indicated my concern about such matters in my response to Ken Macintosh's question a few minutes ago.

The CSG report implied that an MSP's membership of a committee should be seen as being almost as important a part of their identity as their membership of a party. Obviously, an MSP will bring to the committee a perspective that will be very much bound up with that of his or her party; however, an MSP's membership of the Education, Culture and Sport Committee, or whichever committee, should be as important as his or her membership of whichever political party. I think that that is how the CSG saw the process developing.

The Convener: Kenneth Macintosh is next to ask a question, then Frank McAveety has a wee one. I think that Susan Deacon may have a question, as well.

Mr Macintosh: I want to pick up on Fiona Hyslop's point and also on the point that I made earlier about committees meeting in private. The Rev Blount's points were important and well made. However, I am unsure about your views on party-political identity, affiliation, loyalty or the party membership of members of the Parliament. In paragraph 1.4, you say that such things are

“an important way in which people express themselves”,

but you go on to say that

“declining memberships and increasingly centralised party

structures undermine the real meaning of this.”

That might be the case; but is not it also the case that members are all elected by votes that are based to a far greater extent on our party membership than they are on our individual attributes? In evidence that the committee took previously, Joyce McMillan suggested that the principle of consensus and some of the other principles that you have espoused today are in direct contradiction to party-political activity. She suggested that the two ideas can never meet. I found that view to be a bit depressing, but do you agree with it? Must we move away altogether from the party-political system?

Rev Blount: The two are in tension rather than in contradiction. There will be a shifting balance in the relationship between them; one will dominate and then the other.

It is clear to me that there is much public disaffection with party politics and political parties, although I acknowledge that when push comes to shove and we vote, the vast majority of us appear to vote purely for party labels and do not take advantage of the fairly meagre opportunities that election time offers to discover the individual perspectives, strengths and weaknesses of different candidates. Fewer and fewer opportunities are given to us and people do not turn out for pre-election meetings. At election times, the churches try to put all the candidates in a constituency on the same platform. In that way, we encourage people to base their votes on more than just the party label.

A party label is convenient shorthand for a bundle of views on certain issues; but I feel that people are disaffected by the party system. That must be taken into account.

Mr Macintosh: I agree—although it would be difficult to change things because party membership is so fundamental to the way in which MSPs are elected. We will have to come up with suggestions that accept party identity and work with it, rather than deny its existence. I would be interested to hear suggestions on how we can minimise the way in which party loyalty gets in the way of open and constructive debate.

I would also like to talk about accountability and the points that were made about the blame culture, and I would like to move beyond wishful thinking. In your submission, you mention that the SQA inquiry was a good example of parliamentary activity. I agree—but my experience of that inquiry was that huge efforts were made to pin blame on people. For me, that was the inquiry’s biggest weakness, so it is interesting that you cite the inquiry as a good example. In the Education, Culture and Sport Committee’s work on the inquiry, we tried to get away from the blame game.

Rev Blount: That is exactly what I applauded in the inquiry reports. To a large extent, both committees that were involved in the inquiry succeeded in getting beyond the idea of finding people on whom to pin the blame for what had gone wrong in the past. Obviously, one needs to consider what went wrong in order to decide how to fix it, but the committees succeeded in having their reports emphasise how to fix things for the future rather than which heads should roll for what went wrong in the past.

Recently, I heard someone from Northern Ireland talk about creating a culture of responsibility, as opposed to a culture of blame—in other words, a culture in which people say, “I will do what I can to fix this, instead of looking for someone else to blame for the fact that it went wrong”. That sounds like it belongs more to the realm of sermon than to the realm of practical politics, but the SQA inquiries showed that such a culture can be built into the way in which committees conduct inquiries. We need to allow people to get things off their chests, but we also need to move matters forward.

Mr Macintosh: I would like to provide an example of the difference between private and public meetings. In the debating chamber, discussion of the SQA issue was marred by party-political posturing and attempts to put the blame on people, whereas the most constructive work was done—across all parties—by committees meeting in private. I would welcome your comments on that.

The Convener: “That” means discussion of your evidence.

Rev Blount: To say that committees should either meet in public and have members shout, “Yah-boo!” at one another, or that they should meet in private and build a consensus, is to create a false antithesis. We need to work out a way of doing both, so that work on building consensus can be done in public. If people see that happening, it will enhance the credibility of the workings of Parliament. Consensus is not just about people being mild mannered and polite to one another and not shouting. It is about sharing honestly and talking through differences between views until consensus is built.

The Convener: We are running a bit late, but the issue has clearly stimulated members’ interests. Frank McAveety would like to ask a question.

Mr McAveety: I have a question that emanates from the discussions that we have had with representatives of other church traditions in Scotland. One of the issues that was raised in those discussions was the goal of Parliament’s time for reflection. In your submission you expand

on that and refer briefly to the idea of creating a chaplaincy team. I would be interested to hear your thoughts on how inclusive such a team could be, given that, at our previous meeting, we had an interesting dialogue with another faith's representative about who should or should not participate in time for reflection. A chaplaincy would provide pastoral support that members could access if they wished. I do not know whether that could be set up before the move to the new Parliament building. Are you in discussions with the Presiding Officer about offering a service of that kind? Many members feel that it would be helpful for them to be able to access such a service, particularly at stressful moments.

Rev Blount: From the time that the CSG report appeared, the churches and other faith communities have been keen to offer to the Parliament pastoral support through some kind of chaplaincy team. Such a team would be made up not of full-time staff, but of local representatives of faith communities, who would be able to give some time to working together as a pastoral support team. The team would be broadly representative of faith communities and would offer direct access to the faith communities that were not represented on it—not everyone could be represented on the team, because it would then consist of dozens of people.

We believe that that proposal is workable. I have personal experience of working on a chaplaincy team at the University of Stirling; the then honorary president of the students association has since moved on to higher things in the Parliament. That arrangement worked well and enabled pastoral support to be offered both to people who were committed members of a faith community and to people who were not part of a faith community. Our purpose would be to offer pastoral support both to MSPs and to those who work for the Parliament. Similar arrangements work well in local authorities in Scotland. A chaplaincy service would relate to time for reflection and work alongside it.

10:15

Susan Deacon: The issue that I want to raise is one that we will explore further with the Scottish Civic Forum, but I would like to give Rev Blount an opportunity to comment on it.

Like others, you use a number of times in your submission the phrase "the usual suspects" in relation to the groups and organisations that are consulted or invited to give evidence to committees. You talk about the need for us to find imaginative techniques of involving people and to seek out grass-roots groups. Could you elaborate a little on some of the imaginative techniques that you think could be employed? We have already

touched on those, but the general point is well made and it concerns us all. We want to ensure that we are reaching out as widely and effectively as possible.

Rev Blount: The first point is that committees must physically go out of Edinburgh to meet and take evidence. Another example of positive practice was the day exercise that the Social Justice Committee carried out in Glasgow early last year. A wide range of national and local groups were encouraged, both by the very fact that the exercise was taking place and by the way in which it was structured—as an open-space event—to contribute to the future work programme of that committee.

Many groups have an interest in the development of committees' priorities for future work. I am not sure how the Social Justice Committee decided which organisations should be invited to participate in the event that it ran, but there is a list of bodies that registered an interest in the work of the committee. I am not aware of how many other subject committees have lists of that sort. Such lists are a useful tool for setting up the kind of exercise that I mentioned. A good starting point is for committees to encourage participation from the groups that they know, because those groups will know of other groups that are not aware that an event is taking place. In that way, participation can be broadened out beyond the groups that suggest themselves obviously.

Through their participation in the Parliament's work, certain groups have gained a great deal of credibility—I am thinking of the use of organisations such as Shelter in relation to housing issues, for example. We applaud that, but we acknowledge that other groups, perhaps groups on a different scale, also have contributions to make.

Susan Deacon: You continue to talk very much in terms of groups. Do you think that there are ways of widening participation to individuals who are service users? You mentioned Shelter. Are there ways of extending participation to individuals who have experience of housing problems or homelessness? By necessity, we must all work to a large extent through representative organisations and groups. However, techniques can be employed in order to reach out more widely to individuals—some modern market research techniques do just that. Do you think that we could make greater use of such techniques?

Rev Blount: I am slightly hesitant about the use of focus groups and citizens juries. They can play a significant role, as long as they do not become the be all and end all. The way in which groups relate to the Parliament is already encouraging those groups at least to consult—if not directly to

involve—service users when the groups deal with the Parliament. As some people might not be comfortable with evidence-taking meetings such as this, we might need to consider other ways in which to enable those people to engage with the Parliament.

The Convener: Thank you, Graham; that was an interesting part of the meeting. I thank you for your views, which were clearly and robustly stated. You did not always agree with members and we will accept that in the spirit of things. You are welcome to remain with us for the next part of the evidence, which is a presentation by the Scottish Civic Forum.

I pass now to Donald Reid, who is the director of the Scottish Civic Forum. He will perhaps comment on the people he has fielded at the meeting and give his presentation. We will ask questions thereafter.

Donald Reid (Scottish Civic Forum): Thank you very much, convener. We welcome the opportunity to submit comments. As Graham Blount said, the inquiry is significant and we applaud the committee for taking on the mantle of responsibility, on behalf of the Parliament, for guardianship of the CSG principles. The Scottish Civic Forum would like to support that in every way that it can.

I will make some general remarks. Three elected members of the forum's council will contribute from their perspectives and two other members of the forum's staff are here to sweep up with additional comments and to reply to questions. We have designed our contribution as a whole and it might be helpful for the committee to take it as a whole.

We believe that how the CSG principles are working out is of central and fundamental importance to the Parliament; it is not just a matter for procedural anoraks. There is a danger that, when we get into the question of whether the Parliament has fulfilled the vision that people had for it, we forget that the blueprint contained in the CSG principles was for a different kind of Parliament.

The Parliament seems to have suffered greatly and, in my view, unfairly from the tyranny of expectations. That is something that the forum has not been immune to. There is a generalised expectation out there that the Parliament will usher in the new utopia quickly. The Parliament is doing things; it is changing things and good committee work is going on. Although that has been said, the Parliament still gets beaten for not doing things more quickly. That impression needs to be rebutted; the Parliament must have the confidence to say that it exists, that it has addressed the democratic deficit, that it is nearer to people and

that things are changing.

The only blueprint that we have on paper is the CSG principles, which talk not about particular outcomes in education, health and transport, but about what kind of Parliament we should have. The Scottish Civic Forum wants to talk that up. We have worked hard to represent that vision on every occasion and we are more than happy to do so on any occasion, including this one.

A broad civic and political movement campaigned to establish the Parliament. The groups involved valued the prospect of the Parliament then and they value the Parliament now. We also value and look forward to a maturing of the CSG principles. Perhaps through what may be an annual event, when the Civic Forum and the Parliament meet on the Parliament's birthday, we have a way of remembering all that. I re-emphasise my main point, which is that we are talking not about peripheral procedural matters, but about the constitutional ethos and the texture and fabric of the Parliament and the new Scotland.

When I attended a meeting of the committee at the informal stage of considering how to approach the inquiry, I was with a well-known BBC commentator who said—not quite in these words—that the CSG principles were the product of the tortured fantasising of the chattering classes and that no one out there gave a stuff about them. He was basically saying that the liberal establishment was wrong to suppose that Joan and Joe Public had any view about CSG principles or participative politics and that all they wanted to know was whether the trains would run on time. He was accusing the chattering classes of projecting on to the ordinary person in the street a concern for participative politics. In fact, he was projecting on to them a lack of concern.

In the evidence from the groups with which we come into contact through the forum, particularly groups such as People and Parliament, there is a strong tide of feeling that people want a different parliamentary way of working. The System 3 poll that People and Parliament commissioned before the Parliament was set up revealed that the people of Scotland overwhelmingly wanted a different kind of politics. When we ask whether people want their Parliament to be warm and cuddly, they are bound to say that they do. However, I hope that our audit project will document what those hopes were and find some way of asking people to what extent they think that those hopes have been realised.

It is in the interests of us all to reclaim and regenerate citizens' interest in and ownership of the Parliament. My basic thesis is that we will succeed in doing so only if the spirit of the CSG principles is seen to be alive, well and kicking in the Parliament and the Executive. I am here to

speak on behalf of the Civic Forum. That involves, among other things, encouraging the Parliament to make use of the Civic Forum, which, by and large, it has not done.

The Civic Forum exists not only to uphold the vision that I have described and to keep the memory of it alive, but to help to deliver the vision of participative politics. The CSG report envisaged that the Civic Forum would be a part of the means of delivery. Through the CSG report, the forum has that semi-recognised role, which it sees as integral to the vision of the new politics. The forum is civic society's down payment to that partnership. I will go on to talk about how the relationship between the Parliament and the Civic Forum is working out and make one or two other general comments.

The Parliament is a remarkable creation. The idea is that the Executive is accountable to the Parliament and that both are accountable to the people. That is framed not just in terms of traditional representative democracy, where being accountable to the people means holding elections every five years, but as a triangular, living partnership—Executive, Parliament, people. There is genuine sharing of power, genuine openness and a living accountability. There is, if you like, a regeneration of representative democracy through embracing participative models of conduct.

One of the most remarkable aspects of the vision is the possibility that legislation can emanate from any of those three points in the triangle. At a recent book launch in London, at which Westminster was being compared unfavourably to the new South African Parliament, I rather tactlessly trumped the discussion's focus by chipping in the point that, in the Scottish Parliament, it was possible in principle for legislation to emanate from parliamentary committees and the public as well as from the Executive.

There is a sense of widespread disappointment that the committees have not discharged the role of initiating legislation; they seem to have eschewed that role in favour of focusing on scrutinising the Executive's proposals. There are all sorts of practical reasons at this early stage for the need to focus on that business and the committees may take up their other role later. However, that has been a significant failure so far.

There is also disappointment that the committees have not been able to function in ways that are, to use the jargon, more cross-cutting. Comments have been and will be made about that. I reinforce the point that the committees are acknowledged as the places where the real work of the Parliament is going on and where the principles of the new politics at work can best be seen. It is unfortunate that that does not get media

coverage, but that is another subject.

There has been disappointment that the committees have not taken up their authority to initiate legislation. Similarly, there is a need for the committees to work with the rest of us to develop the capacity of civic Scotland and individuals to contribute to legislation, which should be done through collaboration with all the committees, not just the Public Petitions Committee. There is a need for the committees to give real expression to the principle of sharing power.

I suspect that the Parliament, like most of us, has not defined the term "sharing of power". Would we know it if it floated in our soup? Some examples are cited, such as the Social Justice Committee's collaboration with the Communities Against Poverty Network, and I have heard reference to the Rural Development Committee's consideration of the Land Reform (Scotland) Bill. We need a lot more conceptual and clearer thinking about what terms such as "sharing of power" and some of the other CSG buzz words mean.

10:30

Even if we focus only on the scrutiny of Executive bills, surely it is the Parliament's role to open up the Executive—beyond the usual suspects—to the concerns of people who will be affected by legislation that is about to be enacted. We would like the Parliament to use all means to do that, including the Scottish Civic Forum.

For example, the Executive has, through a concordat, committed itself to working with the Civic Forum to go with the grain of the CSG principles, but the Parliament has not done that. We hoped that Parliament and its committees would have given a clearer commitment to the principle and practice of working with bodies such as the Civic Forum. Perhaps that matter might come up in committee members' questions.

I will comment on accessibility because I have found that, as I talk to people around the country, there is a lot of positivity about possible interaction with the Parliament. On the face of it, we seem to have got the accessibility issue right, although that depends on what we mean by accessibility. If we mean that there is now much more business going on and that there are 129 MSPs located in Scotland, obviously there has been some kind of big-bang effect. Suddenly much more is going on that people can be involved with. I do not want to downplay that, as it could be what we mean when we talk about addressing democratic deficits. However, surely accessibility is about more than just more of everything. Accessibility is about learning new ways of hearing the quiet wee voices in the corner and about doing things differently in a

qualitative way.

Graham Blount has referred to the need to use innovative methods rather than semi-judicial evidence gathering. There is a need to explore more qualitative, not just quantitative, ways of doing that. However, the norm seems to be that the committees are Edinburgh-based, semi-judicial, one by one and for evidence gathering. People then go away behind closed doors and chew over the evidence. There is a lot to discuss about those issues.

The Scottish Civic Forum argues for more creative models that are qualitatively different and that would create the conditions for more multilateral dialogue and interaction. The Civic Forum has some experience of bringing in more voices, not just in a way that creates more clamour, but in a way that increases dialogue, responsibility and listening.

My experience has been that the further one goes from Edinburgh, the greater the scepticism about the Parliament. However, there is also greater interest in being part of discussions about, for example, the Freedom of Information (Scotland) Bill, or whatever else is happening. In the next two years, one of the priorities for the Scottish Civic Forum is to roll out a regional network so that we can deploy some of our discussions around Scotland rather than bottling them up in the central belt.

The Scottish Civic Forum exists to be part of the solution, as recognised by the CSG and through the concordat with the Executive. My question is: what about the Parliament? Together, we are guardians of the CSG principles and I call on the Parliament to use—and abuse—the Civic Forum and to work with us to deliver what we all say we want.

The end of my sermon is coming. I am not seeking just to achieve the efficiencies of more informed input and better output. If people are involved at the input stage, they will help to implement the output. That idea comes up all the time when people are wringing their hands over governance and asking how to get people involved so that outputs are implemented. That is fine civil service jargon.

The Parliament is peopled by MSPs, who are the people's representatives. There is a much greater prize at stake—a participative democracy. That takes time; it is about building relationships and new patterns of working. That is what we are here to do. We believe that it will lead to more effective government, in terms not just of technical efficiencies but of effective outcomes. Those outcomes are the cohesion of society, a sense that people can have their voices heard, if not agreed with, and a sense that people can assent

to outcomes with which they disagree through the processes that have led to those outcomes.

If the Parliament works with wider society along the lines of the CSG principles, those different voices can be reconciled and the tides of cynicism can be pushed back. The Scottish Civic Forum understands the value and worth of that and exists solely to work with the Parliament to develop methods that are genuinely involving.

I am sorry if that turned into a bit of a sermon, but that is my stock in trade. Perhaps Lynne Raeside, Eileen Francis or Jalal Chaudry might like to carry on.

Lynne Raeside (Scottish Civic Forum): I will be brief, as I know that we are running short of time. I am one of two elected members of the Civic Forum council and I represent the interests of economic development. Through my work with the Civic Forum and the work of my organisation, I have had a lot of experience of the Parliament and the Executive.

I am encouraged by what the Parliament has achieved so far. However, there are areas where there is much to be done. A lot of those areas have been touched on this morning and I do not want to go into details. However, I share the view about power sharing and the disappointment that the committees have been unable—perhaps through no fault of their own—to take on legislative powers because they have had heavy work loads in their scrutiny of Executive legislation. If we are to achieve real power sharing between Parliament and civic society, the Parliament has to seize the opportunity to legislate through the committees and individual MSPs.

On participation, I am concerned about the way in which committees have taken evidence. We have already discussed the occasionally confrontational nature of evidence sessions. That can be daunting for witnesses. I am also concerned about the co-ordination of the committees' work. For example, the Rural Development Committee and the Justice 2 Committee are taking oral evidence on land reform. Organisations are being asked to attend two different meetings, sometimes two weeks apart. For larger organisations, that might be manageable, but smaller organisations could find it more difficult, particularly if witnesses are coming from areas outwith the central belt.

Those are just two examples. I will let my colleagues continue, as I appreciate that time is pressing.

Eileen Francis (Scottish Civic Forum): I am one of two elected members of the council of the Scottish Civic Forum whose interest is education and research. My comments are based on our experience of conducting consultations on the

1999 improvement in Scottish education bill, on the "Education for Citizenship" document, which was published by Learning and Training Scotland, and on the findings from our education debate and our learning about citizenship group—what we describe as our education panel.

I hope that my comments will provide an insight into how we have tried to participate in the parliamentary process. We have four points to make. Our first point is on involvement in consultations. Traditionally, involvement in education policy making has been confined to those with a direct interest in educational development. We have been able to show that a wider group of community organisations has an interest in education policy making. Those organisations hold different views from the groups that are generally regarded as stakeholders.

My second point is about attending to those different voices. We realise that the group that we involved in dialogue on education, for example, did not necessarily share the assumptions that underpin the improvement in Scottish education bill. The fact that the group did not share the philosophy on which the bill was based made it difficult for it to feel that it was properly consulted. Of particular concern was the emphasis on achievement and standards and on the concept of education for employability. Our member organisations have a wider conception of the nature and purpose of education. We are as concerned about education as an induction to the notion of community as we are with education as an induction to the world of work.

The third point is about the forum's wish to move beyond consultation on completed documents. The Scottish Civic Forum offers an open and participative approach to accessing the views of its member organisations. We are interested in being involved from the outset in educational and other debates. We welcomed the Minister for Education and Young People's announcement of the initiative to conduct a debate on the future of education. We want to make a substantive contribution to that process.

The last point is about accessibility and power sharing. On reflection, we realise that the Scottish Civic Forum education panel has had access to the policy making of the Executive and Government bodies, such as LT Scotland, only by making written submissions. No dialogic engagement has taken place with the Parliament. We have had no such contact with the Parliament's Education, Culture and Sport Committee, although the committee will have received SCF submissions and others from individual member organisations.

The lack of dialogue reinforces the view that the famous consensus that is said to exist in

education policy making, which relies on the views of a small group of institutional representatives and academics, continues to be perpetuated. It is important that civic society should be more involved in the dialogue on education issues.

Jalal Chaudry (Scottish Civic Forum): As Donald Reid has said much of what I want to say, and Lynne Raeside has touched on other areas, I will say only a few words. In its written submission to the Procedures Committee's inquiry, the Scottish Civic Forum said that it appreciates and recommends the use of advisers. However, committee advisers are, in the main, of an academic nature. The committees should select advisers from grass-roots people of experience. I am thinking of the case of transportation.

The appointment of advisers could be one route through which the lack of visible minority ethnic representation in the Parliament, which is often remarked on, could be addressed in the short term, as that issue continues to require urgent action. That idea could be extended to involve minority ethnic communities in Scottish Executive appointments. Inadequate progress has been made in including grass-roots organisations.

Under the Race Relations Act 1976, Scottish ministers have powers to take certain kinds of positive action. The Race Relations (Amendment) Act 2000 gives Scottish ministers the power to impose specific duties on public authorities. Although public authorities are bound by general duties, specific duties under the legislation relate to the promotion of racial equality in employment and in policy and service delivery. Public authorities should consider how they might best use the powers to achieve the goal of racial equality. Parliamentarians must seek to ensure compliance with the Race Relations (Amendment) Act 2000, especially in cases of discrimination and the promotion of racial equality and good race relations.

It is also necessary to improve the mechanisms of consultation and to develop engagement strategies in order to involve the wider community in the parliamentary process and to ensure that the work of the Parliament reflects the needs of all ethnic minorities.

The Convener: It might be appropriate to kick things off by asking our witnesses what progress the Scottish Civic Forum has made since it was set up. What links have you been able to build with the wider community in Scotland? What are your principal achievements? What would you wish the Parliament to do to cement a closer working relationship with the forum and its mediation with those sections of the Scottish community that we tend not to be able to reach? That might be a helpful starting point.

Donald Reid: It is early days for the forum; we are learning how to extend our work and our ways of working.

The Convener: The same is sometimes said of us.

10:45

Donald Reid: I know that. That is why I said it. We have some sympathy with the difficulties involved.

We are consolidating our structures and learning slowly how to respond to issues that are in the air. While we were not around at the time of the furore about the repeal of section 28—or section 2A—we have tried to identify other issues that affect the body politic. Last November, we gathered together into dialogue all the parties who might have something to say about the proposals in the “Parents and Children” white paper. That example is included in the forum’s first review, copies of which have been circulated to members.

The forum can add value. We can convene safe-place discussions where people who have very different and opposing views can meet as human beings and work together towards creating some sort of consensus that is not contrived. People can build common ground and see where that gets them. When the bill that follows on from the consultation on parents and children is published, the forum is poised to take our work further. We are always ready to find similar examples.

One of our primary concerns is governance. We are working on the Freedom of Information (Scotland) Bill. We are also working on other issues, including the number of MSPs and the renewing of local government. Those are the building blocks for the new Scotland. We want to respond to the debate on them, as we did to the Procedure Committee’s inquiry.

It is more difficult for us to work on bread-and-butter sectoral issues, as the forum does not exist to be a lobbying group. That is one of the misperceptions that people have of us. The forum exists to win arguments on areas of policy where people in given sectors and organisations have not managed to win with the Executive or the Parliament. We exist to bring together in policy discussions people from a range of interests. We then encourage those people to develop their discussions. We do that through our policy forums on bills and on policy areas. However, we do not have the capacity to hold forums as widely as we would like.

We do not want to replicate what others in various sectors are doing. One of the ways that we try to add value is to generate local discussions. We have had some experience of and positive

feedback on such local activity. Debbie Wilkie will comment on that in a moment. One of our priorities is to roll out local networks throughout the regions of Scotland. That means that, when there is discussion on issues such as freedom of information, parents and children or the Transport (Scotland) Bill, we have an infrastructure that deploys that discussion to involve civic society.

The Convener: With respect, those areas are all ones in which you are responding to other people’s agendas. Given what you said in your introductory statement about the triangular nature of legislation coming from the Parliament, the Executive or the people, I want to get at the idea of the forum being a clearing house for the people’s ideas. What ideas have been presented to you? Have you found it difficult to suggest bills, or is a transmission mechanism under construction? I am trying to get at the state of health issue.

Donald Reid: We have not developed a confident capacity to initiate legislation. At the moment, we are developing our skills in listening and opening up channels. My colleagues might have specific helpful comments to make.

Debbie Wilkie (Scottish Civic Forum): One of the reasons why we have been slower to initiate legislation is that at the beginning we were being encouraged by Executive officials to demonstrate our capacity in relation to legislation that was being initiated by the Executive and the Parliament, rather than to promote our own-initiative stuff too strongly.

The Convener: They are subtle, these Executive people.

Debbie Wilkie: There has been a natural tendency to focus on that capacity. In responding to initiatives, we have identified new areas for consideration that are connected to proposals that have been made, or we have suggested alternative ways of doing things. For example, with regard to the “Parents and Children” white paper, we deliberately targeted people who had different views as well as people who had similar views, and we achieved a remarkable degree of consensus. Our experience—I appreciate that the draft bill that will arise from “Parents and Children” will not be published until the end of the year—is that feedback has been solely on responses to specific questions that were asked. It is therefore difficult to gauge what impact the suggestions that we made have had, although some of the suggestions achieved a good degree of consensus.

Mr McAveety: One of the problems is that by the end of this four-year parliamentary session it is likely that 40 bills will have been passed, which is probably four times the number that would have

been passed at Westminster. Even then, much of that legislation will be bills to deal with UK legislation, rather than being specifically Scottish legislation. The problems are the burden that is placed on the committees, and the number of parliamentarians—no matter how unpopular that might be in the media—which is less than was debated by the consultative steering group. The issue is the scale of work that is undertaken. A period to reflect on that would be helpful.

I am interested in what was said about getting beyond academics. Part of the reason why there was a change in the electoral system was to bring greater diversity of people into the Parliament. However, the Parliament is not as diverse as it should be—certainly not in terms of members' ethnic origins. That is a major issue that all the political parties should address. We bring to bear our personal experiences here. The composition of the Parliament is different from the composition of other Parliaments that we have dealt with, but we use academic expertise to give us the intellectual capital that will break down some of the barriers to awareness and understanding. For example, I would welcome drawing of more European parallels in many of our discussions, which is why I asked Graham Blount about that earlier. We should compare ourselves to similar democracies, because it is hard to say that all wisdom is contained within the isles of the UK.

I will ask about comments that were made on questioning of witnesses. Susan Deacon and I were chatting about our experiences in other workplaces, about how to get better information out of folk and about how, although the one-to-one approach sometimes works, it is not the most effective way of engaging with people. I am a member of the Education, Culture and Sport Committee and when that committee was doing work on the children's commissioner we had a good day—perversely enough in Edinburgh on a Saturday, which is a contradiction in terms, in my opinion. We benefited because we went into workshops with young people and teased out the nuances of the complex issue of whether there should be a children's commissioner.

Some witnesses have presented themselves in the Parliament in the past two and a half years as representatives of communities. All that they gave was rhetoric; when they were asked hard questions they said, "That's far too tough." Perhaps they had not been asked such questions for years, but had had the comfort blanket of talking to each other for so long that they thought they could present polemic to the committee and we would think that that was okay. One or two groups have presented themselves on a couple of issues to the Parliament and have been found wanting. Equally, groups have been encouraged by the Parliament's existence to come forward and

have produced quality evidence that has influenced the debate in committees.

I know that those are fairly unconnected issues, but they are issues that concern me. I am happy for any of the witnesses to take up those points.

Donald Reid: The volume of bills is a huge problem for us all and for major social partners such as the churches and the trade unions. That is all the more reason why we need power-sharing mechanisms so that we can field issues better and construct more effective ways of engaging in dialogue; however, I accept that that is easier said than done. The staff complement of the Scottish Civic Forum is four plus one project officer on the audit project, so there are difficulties.

As for models from elsewhere, one of the issues that is on our agenda—but which is low on that agenda—is the drawing of parallels with what happens elsewhere. At the moment, we are networked with other civic forums in the UK and Ireland, which are also feeling their way forward in respect of the London Assembly, the Northern Ireland Assembly and the Government in Ireland. I cite the Republic of Ireland as an encouraging example of a place where the civic-political partnership has worked. It is alleged that that is one of the reasons why Ireland has regenerated.

As for getting information out of people, I understand the point that was made about how to create workshops and pursue ways of doing things that are more people friendly than are committee meetings such as this. However, how can that be reconciled with the need to keep matters on the record, recorded and televised? We might have things to say about that.

Eileen Francis: I wish to say something about the difference between process orientation and content orientation. The Scottish Civic Forum is interested in participation processes. If you are asking what kind of legislation people would like to initiate, the first step is to enable them to converse, so that they become more authoritative in their views. That is the kind of direction that we want to take. It is not that we do not want to hear, for example, academic voices in the Parliament, but the concern is about the kind of academic voices they are. We have been able to field different academic voices and to hear different messages, but we are asking how we can hear the shades.

I will make a point about the notion of consensuality, and about building of consensus being different from actual consensus. The language that we have used today has sometimes been content-orientated and is about consensus as a fixed thing. If one takes a process view, one is moving towards something; one is trying to build towards something. That is the difference between

what the Scottish Civic Forum and the Parliament must do. We need each other's different processes to complement and enrich one another.

Lynne Raeside: I would like to comment on questioning of witnesses. One of the issues that I have noticed in reading evidence that has been given to committees is that if there is a panel of witnesses from different organisations, there is a lack of opportunity for proper dialogue among those witnesses. Questions are directed from committee members to individuals; there is no proper cross-dialogue. It could be of benefit to committee members to hear dialogue among witnesses, rather than just between committee members and a particular witness.

The Convener: I think that that is the Rev Blount's opportunity to participate, if he feels like it.

Fiona Hyslop: Interestingly, some of the best evidence-taking meetings are when people comment on the questioning and answering of others. That is an interesting perspective.

I was struck by something the Debbie Wilkie said. Correct me if I am wrong, but when it was proposed that we should have a tripartite system—the Executive, the Parliament and the people—and that power should be shared among them, I thought that the Scottish Civic Forum would be the vehicle for participation by the people. I was concerned when you said that the Scottish Civic Forum felt that its first duty was to do what Executive officials expected of it, which was to respond to what the Executive was asking. That struck me, especially in view of what Donald Reid said about the failure of the committees in choosing to eschew the role of initiators of legislation. If the Civic Forum was unable to produce more legislation because it was listening, could not the same thing be said of the committees, which have been under pressure because of the Parliament's 40 bills? Perhaps as well as the Parliament's committees being under pressure, there is a parallel pressure on the people aspect of the relationship.

Understandably, much of the pressure is coming from the Executive. How do we break out of that? Bearing in mind where the Civic Forum's funding comes from, can you—if you want to do something other than what the Executive is asking for—just say no to the Executive? When large important bills come from the Executive, do you believe that, because they need time to reflect, the committees should turn round and say, "No, we will not do that"? Is my analysis correct? Correct me if I picked you up wrongly.

11:00

Debbie Wilkie: Perhaps I did not express myself very well, but credibility must first be built

by using the existing agenda. Once that has been done, you can break out towards other things. We have initiated things off our own bat, but it takes time to build matters to the point at which we can make new proposals.

Donald Reid made the point that the Civic Forum does not exist to campaign or lobby on particular issues, except perhaps on things such as governance, openness and transparency, which is a complex set of issues. The Civic Forum's independence has been questioned because our funding currently comes predominantly—although not entirely—from the Executive. My only reply to that is that one of our priorities is to build up a mix of funding from different sources. The Executive has not pressured us to focus on particular matters, but it was suggested that the Civic Forum's credibility might initially best be built up by progressing the issues that were already in process, and that we could move thereafter beyond those stages.

We have made a point about early participation in processes. At the beginning of December, we had a very good conference—which the convener and several other MSPs attended—at which we talked about participation. We tried to set up a three-way discussion among people, parliamentarians and policy-makers on the importance of participation and the difficulties of that for civic society and for those who come from other perspectives. We have received positive feedback from the Executive officials who attended; they seem to be moving towards being more open to others' earlier involvement in new ideas. We would like to develop that.

Fiona Hyslop: I apologise for not attending the event at the beginning of December. At a party meeting, we considered the representative and accountability aspects of politics; the Civic Forum event was obviously about building the participative part of our new politics.

Do Donald Reid and the other witnesses agree that it is perhaps unreasonable to think that, on day one, the Parliament could have seriously embarked on participative democracy? Eileen Francis made the point that the process of building towards participative democracy will mean that we get a better result at the end. Therefore, when we reflect on the Parliament's performance on bringing about the participation that we want to achieve, would not it be better to consider the issue of how we change the culture that has developed over hundreds of years? Under our political system of representative democracy, elected members of Parliament must retain their role of power sharing with the Executive; at the same time, we need a parallel system in which we can grow a participative democracy. What must the Parliament as an institution do, and how must

the behaviour of individual MSPs change, so that we grow such a culture?

Donald Reid: I agree that it is unreasonable to expect all that to happen on day one. We all need to try to move towards that. We need to find ways of working out the tension—which was referred to earlier—between the demands of parties and the demands of participative politics. That tension must be worked out within the ranks of MSPs, who should do so in dialogue with people who hold the vision.

There is an issue about how the Civic Forum and the Parliament's committees relate to people. We had taken for granted that people knew what the Civic Forum was, but I have discovered that people are not clear about it. Perhaps there has been a failure on our side that we need to talk about.

Eileen Francis: The Parliament needs to reach out to the less organised groups. I know that a lot is being done and that that is what people are trying to do, but the many groups that are affiliated to the Scottish Civic Forum would value the Parliament's reaching out to us more instead of our having to reach in—we have done a lot of reaching in. Debbie Wilkie described how we have tried to grow credibility. Like good eggs, we have tried to respond appropriately when the Scottish Executive has suggested something, but that takes a lot of energy. It becomes dispiriting if we must always take the initiative. We want to feel that there is a kind of mutual need.

Susan Deacon: I cannot help but feel that some almost contradictory messages are coming out in the discussion. If I may, I will pick up on what Eileen Francis just said. I understand the frustration about the sense of having to reach in but, in the same breath, you seem to say that you are being asked to respond to too many things.

I want to take a step back and summarise my sense of the issue. In my short time on the committee, I have voiced my view that we spend a lot of time saying that the pressure in the system is because committee X is driving Y or because the Executive is driving X. After two and a half years of devolution, we can all agree that there has been a huge amount of energy, effort and activity. The Parliament and the Executive—in all their different forms—have been incredibly busy doing a great deal. So have the organisations that have interacted directly with them; indeed, the Scottish Civic Forum has been incredibly busy and has done a great deal. Alongside that, however, there is growing evidence—dare I say it, but the evidence goes beyond the prejudices of journalists—that the wider public are unaware of how all that energy, effort and activity has impacted on their lives.

Our common objective must be to focus our energies, efforts, enthusiasm and commitment—although we may channel such things in different ways, I do not doubt that they are shared by every person in this room and by all who interact with us—so that we effectively deliver tangible results for the people whom we represent. That requires that, instead of just keeping busy, we sit down in one room—perhaps in a formal context such as this or, as others have mentioned, in a seminar room during an away day—to agree on the real priorities that we want to deliver on. Although all the exercises that are listed in “Building Participation in the New Scotland” are valuable in their own right, I am struck by the thought that the Civic Forum's review of its early work does not explain why it chose those issues instead of others, or why the Civic Forum rather than another group pursued those issues.

I must emphasise that I am supportive of the role of the Civic Forum and that I want to see it develop, but I could not help but sense some territorialism in some of the comments to the effect that the Civic Forum should be progressing certain matters. Surely the important point is to ensure that the job is done and that it is done well? It might be that the Civic Forum is the body that can most effectively progress work in one area, but that there are other effective mechanisms in other areas. Perhaps the Civic Forum could best add value by ensuring that other bodies and agencies—the Executive and the Parliament—employ good techniques to engage effectively with the different organisations that would be affected by legislation. What is your reaction to that stream of consciousness? Do you agree or disagree violently or otherwise?

The Convener: Preferably not violently.

Susan Deacon: Of course—violence is one thing that we have managed to keep out of the Parliament so far.

If you agree with the point that collectively, the Scottish body politic in the broadest sense must be more focused, how best can we bang heads together and do that? It strikes me that we have several opportunities where paths cross and discussions emerge, but we have not necessarily buttoned down conclusions to observations and analysis. As far as the wider public is concerned, there is a growing sense of impatience. I would welcome your views on how we might address that.

The Convener: That seemed to strike a chord with Ben Young. Do you want to respond to that?

Dr Ben Young (Scottish Civic Forum): To which bit do you want me to respond, convener?

The Convener: To whichever bit you were nodding away about.

Dr Young: Susan Deacon commented on territorialism and the role that the Civic Forum could properly be playing. That links to comments that we have made about “the usual suspects”. Part of the point of bringing in wider groups of people is the educational effect that that has on MSPs and the groups that are participating. The Communities Against Poverty Network has done that by giving something like training to people who are about to give evidence to the committees. One role that the Scottish Civic Forum could play, to which it is particularly well suited, would be to carry out that sort of initial capacity building. It is probably inappropriate for MSPs to be doing that work, given their huge work load in other areas.

That is a general theme that is emerging in the research that I am currently pursuing. However, I cannot give the full facts because I am only halfway through it. Members can rest assured that I will provide them with further details when I conclude that research.

Susan Deacon: What is that research?

Dr Young: It is the audit of democratic participation project.

Lynne Raeside: One of the final points that Susan Deacon made relates to the role of the Civic Forum. I see the forum’s role as being to facilitate for the Scottish Executive and the Parliament. It might not be the Civic Forum that does the work. If the Education, Culture and Sport Committee, for example, wanted to do some work on education, it could come to the Civic Forum to ask it whom to approach. The Civic Forum can reach wider groupings and bring them to the Parliament. The Civic Forum can facilitate for other, smaller organisations and can have a wider reach.

We are unsure how committees determine to whom they will speak. Everyone has an opportunity to submit written evidence, but the committees do not seem to have a transparent approach to selecting organisations to provide oral evidence. The Civic Forum could act as a facilitator to reach groupings of which the Parliament might not be aware. That role is very important.

Susan Deacon: I want to press that further. How aware are the conveners and clerks of committees of the Civic Forum as a means to facilitate invitations to give oral evidence? If I were a committee clerk, that suggestion would sound very attractive. Clerks could outsource much of that work and perhaps develop it beyond what is possible internally. Is that on the radar? There is a shared willingness to engage—everyone is grappling with what is the most effective method. Perhaps that should be pursued further.

11:15

Lynne Raeside: As far as I am aware, members of the Civic Forum make considerable efforts to liaise with committee clerks.

Donald Reid: We are trying to do better, but we made a tactical error. In the first year or so of our existence, we assumed that people knew what the Civic Forum was, because it was in the CSG material. We did not bombard members with information because they are already bombarded with lots of information. Instead we chose to communicate with the appropriate committees, depending on their work. We also tried to communicate through the director of clerking and reporting services and to work at parliamentary level. However, we have not pushed that sufficiently and we have discovered that there is a misunderstanding about what the forum is. People think that perhaps it is a rival power base, or that it is made up of the usual suspects and so on. We need to educate people. We are now distributing material, such as the review and our newsletter. We need to do better. It is a chicken-and-egg situation; we need to build the relationship both ways.

Mr McAveety: I have been on several committees in which members say that the committee must hear from all the structural voices—the trade unions, local government, the voluntary sector and so on. Given that committees usually allow half an hour for each group, before we know it, the time fills up. Therefore we do not get to hear from the people on the margins. That reference is rather unfair—perhaps I should say folk that are more challenging in what they say or who are ahead of their time. Such folk might continue to be so far out and beyond us that it would be unreasonable to integrate them into the decision-making process.

Some of the things that were suggested 20 years ago during the local government debate on equal opportunities are now permanent features of most public and private business organisations. Those suggestions were condemned at the time—the press, Westminster, local government committees and so on considered such ideas to be daft. However, some of them are now considered to be central to any good personnel policy.

One of the key things that was announced by the ministerial team and which the Education, Culture and Sport Committee—of which I am a member—will have to consider, is the emerging debate on Scottish education. I know that we are trying to put together a list of different advisers on that. It would be helpful if the Civic Forum wrote to the convener of that committee and raised her awareness of its role. Facilitating written evidence or other ways of helping the process might mean

that some of the viewpoints that you have identified are not totally excluded from the table and that they are being engaged with—at least intellectually.

Eileen Francis: Mr McAveety described the structural approach in which representatives of various groups are invited to give evidence. Alongside that, it would be useful to take a thematic approach. We need to hear the structural voices, but it might be that the Scottish Civic Forum can help with the thematic voices—the people who feel strongly about and have done a lot of work on an issue. We might be talking about small, marginal interest groups. It would be interesting for committees to set that alongside the structural response.

I speak from the education perspective, where a real issue is that we should move beyond hearing from that small group of people who are building education policy all the time, towards understanding the impact at a certain moment and how people are feeling and thinking about educational policies as they are worked into their lives. The thematic approach would address that, but the structural approach would just keep the body of knowledge marching forward.

The Convener: I see that Debbie Wilkie wants to answer. Although the light on her microphone is not coming on, the sound engineer believes that it is working.

I ask the official reporters to put in the *Official Report* that the sound engineer spoke at the committee. He said “Yes”. [*Laughter.*] I am keen to include marginalised groups; in a moment I will ask the official reporters to discuss the evidence.

Debbie Wilkie: The discussion relates to a point that Graham Blount made in his presentation—and on which one or two people have picked up—about adopting different approaches to getting evidence. The Civic Forum was recently involved in work on sustainable development. The Executive wanted to carry out a wide-ranging exercise involving the non-usual suspects in that field. It approached the forum to find out whether we could help.

We submitted a proposal for three consultation meetings in different parts of Scotland to try to include the wider constituency. The Executive hailed the meetings as having been remarkably successful. The comments that have been made express surprise at the degree of wider involvement and the number of non-usual people who were involved in the process.

We have produced a civic report, which we are in the process of finalising. It went for comment to all those who came to the meetings so that people could correct anything that they felt had not been reflected properly. The report will be distributed

widely once it has been finalised. The feedback that we have had so far is that the report is an accurate reflection of what people said. The further proof of the pudding will be what happens to the report and whether people perceive that the views that were expressed are included in the policy that is developed.

That is the kind of process that we have been able to facilitate. It has been hailed as a success.

Mr Macintosh: I will pick up on Lynne Raeside's points about giving evidence and the hostility that witnesses might experience. I agree with the suggestion that we should create a situation in which different groups of witnesses can question each other. That would be valuable and has been commented on. I am not sure whether it was commented on in evidence to the committee or in a discussion about the matter in a different context with my colleagues.

As a member, I appreciate some evidence sessions far more than I enjoy others; they are far more productive. Although there was hostility towards reducing the number of members on some committees, I feel that, in certain situations, the dynamic of a committee with seven members, such as the Procedures Committee, is a lot better than that of a committee with 11 members. I welcome the witnesses' views on that.

I also welcome their views on getting away from a confrontational layout. The table in this committee room is round. In committee room 1, the table is a horseshoe and witnesses sit in the spotlight. The setting is aggressive. I am not sure that we have the balance right between the formality that is necessary in a Parliament and the need to avoid intimidatory circumstances for those who give evidence.

A family from my constituency gave evidence recently to one of the justice committees. Beforehand, they were nervous. They survived the experience commendably well and did well, but it was difficult for them. I do not know whether you would all describe yourselves as professional witnesses, but you are coping splendidly; not everyone copes as well. I welcome your comments on that. Further work might be required, such as a paper to the architect who is designing the Holyrood building on our desire for circular committee tables—[*Interruption.*] Did I mention Holyrood?

Perhaps further work is needed on the possibility of—rather than having witnesses give evidence with all the MSPs sitting at one end of the room and the witnesses sitting at the other—sitting next to each other and taking evidence in a more discursive way. Fiona Hyslop and Jalal Chaudry are sitting next to each other. I have been in that situation in other committees. It is quite good. I ask

questions in a different manner when I am sitting beside the witness. How could we develop that in our committee work?

Dr Young: One possibility would be something along the lines of the Social Justice Committee's relationship with the Communities Against Poverty Network. The Communities Against Poverty Network sets the agenda for meetings with the committee—at least, it sets half of it—and the meetings take place outside the Parliament. That is a great way of functioning. It solves the problem. We hope that those involved will do a good job.

Lynne Raeside: I will make a simple comment on the layout of committee rooms. Simple changes can be made to make meetings slightly easier for witnesses. When I came in this morning, I breathed a sigh of relief when I saw that the table was circular and that the layout was not as formal as it has been in other evidence-taking sessions in which I have taken part.

On the number of committee members, I was interested to hear Kenneth Macintosh's view that having seven members may make a committee slightly easier to co-ordinate. We were disappointed when the committees were resized and the number of committee members was reduced, because it might mean that, on occasion, committees meet with only a small number of members. It was interesting to hear that having seven members perhaps works better in practice.

Mr Macintosh: Perhaps we could outsource work on that to the Civic Forum. There is work to be done not only on what the most effective number of committee members is, but on the most effective number of witnesses. Every witness has spoken today, but sometimes witnesses come en masse and do not get the chance to participate properly.

I have a more general point, which relates to Donald Reid's opening statement, in which he said that the Parliament suffered from the "tyranny of expectations". That is a kind remark. I am not sure why we have so suffered. In general, we pursue the principles of openness. The Civic Forum, as a reflection of civic society, is supportive, but not all society is supportive. The environment is hostile, particularly the Parliament's relationship with the media. We cannot blame the media if they reflect our broader civic society. We have a hostile society; it is not at all open. If the Parliament is open, that just allows society the freedom to attack it—Graham Blount made a good comment about that—but we are not even three yet so dinnae smack us. Do you have any suggestions about how the Parliament should not only practice the principles of openness but try to maintain them in the face of hostility, other than by pleading like that with the media?

Donald Reid: You are right that the environment has been hostile. We experienced that in relation to the first anniversary celebration. The Parliament was clearly nervous about whether the anniversary should be marked at all lest the media stick the boot in and ask, "What are you celebrating?" However, it was a celebration; it was a good day. The Parliament should have the confidence to say that the institution is valuable and that we want to mark the fact that we have it and to face down some of the destructive criticism.

The role of the media in the new Scotland is important. It needs to be examined. It comes up again and again in our discussions. We are talking about a participative democracy in which power is shared. The media is a big power broker, but it is not particularly accountable, which creates a real difficulty. Nevertheless, the rest of us have to learn the new ways of working. For example, if we are serious about participation, we must understand that it slows down the process and that the decisions that we want to be made take longer. If the media bay at us for being a talking shop, we must ask what they would rather we did—not talk? The new culture is difficult for all of us. Perhaps we need only believe in it.

11:30

Mr Paterson: I have a question about access to the Parliament. It is commonly accepted that the most accessible committee of the Parliament is the Public Petitions Committee. In paragraph 9 of your submission, you heave a sigh of relief at the fact that that committee was not disbanded. What is your view on the way in which the Public Petitions Committee operates? Is it successful or should it do more?

Dr Young: We have been considering our participation in the work of the committees as part of the audit project. We began by working with the Public Petitions Committee and we have made a database of the petitions that have been received, which we hope is useful to the committee. That is what I have been doing.

Mr Paterson: Is any thought being given to who should take ownership of the petitions?

Dr Young: The Public Petitions Committee has suggested that it should be given more powers to do more work with the petitions. I think that that is a sensible suggestion. There is a danger that the committee is just pushing the petitions one way or another and that there is no great difference between someone's lodging a petition and their sending a letter to the Executive. The more power the Public Petitions Committee is given, the more weight it can put behind the petitions as it moves them around.

Mr Paterson: Does your research show that

there is a tendency to push petitions aside?

Dr Young: I do not mean that the committee pushes them aside; I mean that it passes them on to the relevant subject committees.

Mr Paterson: Is that an outcome of the present procedure? Should something be done to beef up the process?

Dr Young: The work of the Public Petitions Committee is useful and effective, although there have been no enormous, stellar results. The point of the committee is to deal with small items of detail that could fall outside the attention of the established organisations. In that respect, the committee has been successful. However, there is a lot of detail to be dealt with and the more power and staff that the committee is given, the more it will be able to do. It will never be able to do everything, but if it could do a fraction more, that would be valuable.

Fiona Hyslop: Let me pick up on Frank McAveety's question to Lynne Raeside. Do you agree that having a bigger committee means having more continuity and expertise?

My main question, on the size of committees, is for Jalal Chaudry, whom I am pleased to be sitting beside—it is the first time that I have sat next to a witness when asking questions. I am interested in the idea of appointing a special adviser to improve the representation of Scotland's ethnic minorities. We were concerned initially that the CSG's recommendation that there could be co-option was somehow outwith the Scotland Act 1998—that we were not allowed to do that—so your suggestion of a different route is interesting. I understand that special advisers cannot contribute to committee meetings. They could be visible at a meeting, but the purpose of having them would be defeated if their voices could not be heard. Do you agree that, if we were to explore the route of using special advisers, drawing on Scotland's ethnic representatives, we would have to change our standing orders to ensure that such representatives could participate actively?

Jalal Chaudry: That is a good idea. The Scottish Civic Forum recommends that special advisers be used. That would be one way of allowing intellectuals to contribute to the work of committees and of ensuring ethnic minority participation. We see one or two people from ethnic minority communities at meetings of the Equal Opportunities Committee, but it is rare to see members of ethnic minorities at meetings of other committees.

Fiona Hyslop: We could appoint special advisers who worked behind the scenes. Is it the view of the Scottish Civic Forum that such advisers should not work behind the scenes, when committees meet in private session, but should be

able to contribute on the record, at public meetings of committees?

Jalal Chaudry: Yes.

The Convener: The irony is that the committee meetings at which I have seen special advisers play a particularly useful role and at which the approach has operated most effectively and informally were held in private. When committees meet in private, clerks and conveners can give advisers greater freedom, without anyone further up the tree pointing to irregularities in practice and asking whether people are exceeding their powers. It is difficult to make use of advisers at public meetings of committees. Advisers can speak only if invited or if asked a question through the chair. They cannot participate freely in discussion.

The problem is not that the Scotland Act 1998 precludes such participation, but that it states that, with the specific exception of the law officers, only members may take part in debates. It has been ruled that that provision excludes almost anyone else from speaking. The legal advice that I have seen suggests that the only way of getting round that is to amend the Scotland Act 1998, which is outwith our competence. Presumably the matter could be addressed when the Scotland Act 1998 is amended. If, over the next couple of years, changes to the pattern of elections become necessary, that will provide us with an opportunity to make various other changes. We have found all sorts of rigidities and inflexibilities in how the 1998 act is interpreted and applied. That has made life difficult for committees that have wanted to co-opt members—which is not permitted—or to appoint special advisers. Although an adviser can be appointed, what that adviser is able and allowed to do is lamentably restricted.

That was simply an observation. Jalal Chaudry does not have to respond to it.

Jalal Chaudry: I have nothing to add to that.

The Convener: Our discussion has reached a natural end, but if our witnesses feel that important issues have not yet been covered, they may say something about them now.

Dr Young: I would like to follow up on what Jalal Chaudry was saying. The use of special advisers seemed like a quick and obvious way of addressing the problem of lack of diversity in the membership of committees. However, it is not ideal, for the reasons that the convener has outlined and because there are background barriers that make it difficult for people from the outside to join committees. It would be more effective to provide groups with training before they get the chance to interact with committees. Given the problems that the convener highlighted, appointing special advisers is not the quick and

easy solution that it seems to be.

The Convener: No one is signalling wildly—or even violently—that they have anything further to add, so we will draw this part of the discussion to a close. I thank our witnesses for their contributions—witnesses is a peculiar word to use to describe them, but there you go. The evidence that they have given will be helpful and I hope that they have enjoyed the occasion.

We will adjourn for a few minutes to allow members to get a coffee.

11:38

Meeting adjourned.

11:46

On resuming—

Standing Orders

The Convener: Agenda item 2 is a paper on changes to standing orders. The paper says that Andrew Mylne will attend, but it is our lucky day—we have Alison Coull instead.

Alison Coull (Scottish Parliament Directorate of Legal Services): I should explain that, because I drafted the proposed changes to standing orders—albeit in consultation with Andrew Mylne—we agreed that it was more appropriate for me to answer any questions that members might have.

Members have received two papers. One consists of proposed draft amendments to standing orders; the other is an explanation of the various drafts. The draft amendments give effect to decisions that the committee took on 27 November and 11 December.

On 27 November, the committee agreed to various changes to deal with problems that the Executive had identified in relation to the member-in-charge rule. The committee also agreed to a number of other minor amendments in relation to financial resolutions, amendments to budget bills, and the attendance of the member in charge at committee meetings when bills are being considered. All the draft amendments—apart from numbers 6, 7, 10 and 11 on the paper—deal with those matters.

On 11 December, the committee agreed that manuscript amendments should be allowed at stage 3 of a bill. The committee also agreed to revise the test for whether a manuscript amendment should be allowed. Amendments 6, 7, 10 and 11 make those changes.

I hope that the draft amendments are fairly straightforward, but I will be happy to answer any questions.

Mr McAveety: I am intrigued by the third paragraph in the briefing note, which says:

“a member who is no longer a member of the Executive continues to be the member in charge of an Executive Bill by virtue of having introduced the Bill.”

I am looking forward to seeing Susan Deacon taking on the bill on care of the elderly.

The Convener: Is not that why that bill has been deferred for three months—so that we can change the standing orders to take out Susan?

Mr McAveety: That is a good conspiracy theory.

I have no questions—I just thought that I would

make a facetious comment again, convener.

The Convener: Other than Frank McAveety's facetious comment, members do not seem to have anything to ask. No—Fiona Hyslop has a question.

Fiona Hyslop: This is probably not covered in the paper, but it is clear that interpretation of the manuscript amendments process lies mainly with conveners and the Presiding Officer. Once the change has been approved, it might be helpful—if the convener has not done so already—to ask the conveners liaison group and the Presiding Officer to assess the criteria that they will use to interpret the standing order in practice.

The Convener: That is a constructive suggestion. The Presiding Officer has used the provision only once, to allow Parliament to do something that, during a debate, it had clearly worked out that it wanted to do, but had been unable to do because of the wording of an amendment.

I am aware of other times when conveners have accepted manuscript amendments to get over the time restrictions. In particular, conveners have allowed counter-amendments when that has seemed reasonable—for example, when amendments have been lodged late. A code of practice that covers the circumstances—so that everyone is familiar with the processes, understands the reasons for them and by extrapolation accepts the validity of the practice—is an eminently sensible and useful suggestion. I will ensure that that is passed on.

Alison Coull: The intention was that the "Guidance on Public Bills" would be revised to set out the cases in which manuscript amendments might be allowed—particularly the situation that the convener described, when a manuscript amendment is in response to amendments that have been lodged late.

The Convener: The legal office anticipates our every desire.

First Minister Nominee (Selection)

The Convener: Under agenda item 3, we are asked to approve a request to commission work on the selection of the First Minister nominee. I do not know whether that is a reflection on some of the choices that the Parliament has made, or whether it simply concerns procedural issues—I suspect that it is the latter. I am sure that the committee accepts that the work should be done.

Mr Macintosh: Can I—

Mr McAveety: Oh—a challenge.

Mr Macintosh: Where did the proposal come from and why was it made?

John Patterson (Clerk): I understand that the business team and the directorate of clerking and reporting wanted to consider the issue, simply as a housekeeping matter. It is similar to the work that we are doing on the Scottish Parliamentary Corporate Body. I am unaware of particular difficulties or problems, or of an agenda. The proposal has been made because it is good practice to consider such issues from time to time.

The Convener: The outcome may be that what we do is perfectly acceptable and does not need to be changed substantially. We are also considering SPCB elections and Presiding Officer and Deputy Presiding Officer elections. As far as I am aware, the work will be part of a general cleaning of our procedures.

Susan Deacon: I have no problem with that, but I have a question to ask. One of the milestones that is listed in the paper on the selection of the First Minister nominee is:

"Live testing of the new procedure (**April 2003**)"

Am I missing something?

The Convener: We will mention that in our report.

Susan Deacon: I thought that the live testing might take place after May 2003.

The Convener: I do not know whether we will have a dummy run in advance—I hope that that is not an unfortunate expression.

Susan Deacon: I hope that we can hold off until May 2003.

Fiona Hyslop: We are either expecting a new election in April 2003 or, to be serious, considering the impact for the new parliamentary session. I am unconvinced that this is a general housekeeping exercise. It probably relates to our experience in recent years.

As a member of a party that hopes to propose the successful First Minister in 2003, I say that the procedures that parties follow are an issue. There is more pressure on the Labour party than there is on anyone else, but if the Parliamentary Bureau and business managers consider the issue, I assume that, whatever happens, we will ensure that the Parliament is not in a straitjacket and unable to elect anybody. I am happy for the work to be proceeded with, but I am unconvinced that a general housekeeping issue prompted the proposal.

John Patterson: I am sure that nothing is excluded.

The Convener: We will agree to the proposal.

I thank members for attending.

Meeting closed at 11:53.

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