

PROCEDURES COMMITTEE

Tuesday 23 April 2002
(*Morning*)

Session 1

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PROCEDURES COMMITTEE

7th 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:

Stephen Hutchinson (Scottish Parliament Directorate of Clerking and Reporting)

Professor David McCrone (Adviser)

Ian Macnicol (Scottish Parliament Corporate Affairs Directorate)

Levi Pay (Scottish Parliament Corporate Affairs Directorate)

WITNESS

Shona Simon (Former Scottish Parliament Equal Opportunities Development Adviser)

CLERK TO THE COMMITTEE

John Patterson

SENIOR ASSISTANT CLERK

Mark MacPherson

LOCATION

Committee Room 4

Scottish Parliament Procedures Committee

Tuesday 23 April 2002

(Morning)

[THE CONVENER *opened the meeting at 09:32*]

The Convener (Mr Murray Tosh): Good morning, everybody. We are ready to start what my agenda says is only our seventh meeting of 2002. It somehow seems that the committee has had an awful lot more meetings than that.

We have apologies from Susan Deacon, who will be late—she will be here in about half an hour. The other member who is missing is Donald Gorrie, who frequently has a clash of committees. He may be along later.

Consultative Steering Group Inquiry

The Convener: We have three items on our agenda. The first is a piece of delayed business from our consultative steering group inquiry. It concerns principally Shona Simon, who was the Parliament's equal opportunities development adviser. She was to appear at the committee before but was squeezed out. We also have with us Ian Macnicol, the Parliament's head of personnel, and Levi Pay, our equalities manager.

I welcome Donald Gorrie, who has just arrived.

We will ask each witness in turn to give a presentation about the application of the Parliament's equality framework. After that, we will ask questions and have a discussion. We will give the item as long as it takes.

Ian Macnicol (Scottish Parliament Corporate Affairs Directorate): We are grateful to have the opportunity to discuss the equality framework with the committee. I will say a little about the framework and its background and illustrate the commitment of the Scottish Parliamentary Corporate Body and the senior management team to the project.

In 1999, when the SPCB commissioned what was to become the equality framework, it was clear that whatever was produced should be an exemplar policy. I believe that that is what we have. Given the scope of the policy, which covers not only employment matters but service provision, including in respect of MSPs, we knew that we needed assistance with drafting the policy. A competition was launched to find our equal opportunities development adviser. Kate Maclean, as the main MSP representative on the working group, was involved in the selection process. Ultimately, Shona Simon was appointed to the task.

At the time of her appointment, Shona was a partner in her law firm, Mackay Simon WS, and was one of Scotland's top discrimination lawyers. She has since moved on to become a full-time employment tribunal chairman, so we certainly had an expert in the driving seat. We are fortunate to have her here today to talk us through what she developed for us and how she approached her task.

The process of developing the framework took the best part of a year. My job as head of personnel was to ensure that all the right doors were opened for Shona and to support her in any way that I could. Clearly, I now have a big role in the implementation of the initiative. One of the interesting things about the process of developing

the framework was that Shona came along and shone the light on equalities matters for the movers and shakers in the organisation. There was definitely a late dawning of the huge implications of equal opportunities legislation and best practice for the organisation, although we had set equality as one of the main tenets of our organisation. Shona found herself in the thick of things.

The commitment of the SPCB and the SMT did not stop at the framework. One of Shona's main recommendations—she made 90-odd—was that we have a full-time equalities manager. The purpose of that job was to help our organisation to breathe life into a substantial policy. That recommendation was accepted and the person selected was Levi Pay. I was involved in his selection. I have done hundreds and hundreds of selection interviews in my time and not often have I been absolutely convinced that I have picked the right person. This time, I really was, and Levi has lived up to my expectations. My message is that the framework was developed by an expert and that we have expert assistance in implementing it.

Before I hand over to Shona, I will say a couple of things by way of confirmation. The framework places great emphasis on training. The SPCB has made resources available to ensure that that training happens. The other outstanding matter when we put the papers to the committee was agreement with the trade union side on implementation of the framework. We have now reached broad agreement with the TUS, subject to its seeing an updated version of the framework and to our having further dialogue with it on matters of detail and presentation.

Shona Simon (Former Scottish Parliament Equal Opportunities Development Adviser): It was my great good fortune to be appointed as the equal opportunities development adviser. I was in the post for a period of six months initially. That period was extended slightly because I became involved in many issues that were not foreseen when I was appointed.

It might be helpful if I explain the nature of my role, how I went about it and what I hope we achieved. It is important to note at the outset that my role was restricted to focusing on the Parliament—or, more exactly, the SPCB—as an employer and service provider. I was not involved in examining the legislative process or examining legislation to highlight equalities issues that arose from the process. I was asked to encompass MSPs as employers and service providers within the scope of my work as far as I could. Essentially, my remit was to draft what was called at that stage an equal opportunities policy, which was to be a model of best practice and which would identify key equality indicators for monitoring purposes

and suggest how monitoring should be undertaken in the Parliament. It would also contain a draft plan to implement the equal opportunities policy that I devised.

While in post, I completed to the best of my ability the tasks that I had originally been set. However, as I got to know the staff, or as they got to hear of my presence, I was asked to contribute views on policy developments and on a number of other matters that did not form part of my original remit. I am glad to say that senior management showed a degree of flexibility to allow that interaction. I therefore became involved in issues such as the use of minority ethnic languages in the Parliament, the use of sign language in the chamber, the appointment process for committee advisers and the allowances that should be available to MSPs to allow them to make their constituency offices accessible to disabled members of the public.

As a solicitor specialising in discrimination law, I came to the post conscious of the fact that, although many employers and service providers have equal opportunities policies, those policies often end up as no more than pieces of paper in a drawer. People in an organisation often do not understand the concepts in those equal opportunities policies or why they were introduced in the first place. When an organisation moves forward, there can sometimes be a failure to implement what may be good written policies. I was therefore keen to draft something that I hoped people would understand and that would contain not just strict policy, but guidance to assist them in implementing their obligations under equal opportunities policy.

I was conscious of the fact that the SPCB's relationship with its employees differs from its relationship with MSPs. An employer can instruct an employee to carry out the terms of policies, but there is not the same degree of control between the SPCB and MSPs—rightly so, in constitutional terms. To my mind, it followed that, in implementing its policies, the SPCB would have to take a different approach to its employees from the one that it would need to take with MSPs.

Such factors led me away from my original brief, which was to draft an equal opportunities policy, towards what I came to call the equality framework. I tried to put in place a framework or structure that could be fleshed out, extended or amended—it is not set in stone—in response to new developments or needs that might be identified once people considered the terms of the framework in more detail.

The equality framework that I drafted contains an implementation plan—called the action plan—which is designed to implement the policies. It also includes a monitoring policy. Both the action plan

and the monitoring policy came under the terms of my original remit, but they would have been included in what I did anyway, because policies without an implementation plan are pretty useless. Similarly, if the effectiveness of policies is not monitored, that is pretty hopeless.

The approach that I adopted encompassed slightly more than an equality framework. I considered that it made sense, as an adjunct to what I was doing, to review the range of policies, practices and procedures that the SPCB was using in employment and in service provision at the date of my arrival and to make suggestions for change, bearing in mind legal obligations and good practice. I thought that it would also be helpful to review the equality information that was available to MSPs and employees and I took certain steps to enhance that information. I also made recommendations about how it might be further enhanced, bearing in mind the limited sum of money available.

I was developing an equality strategy, whose central strand was the equality framework. There were subsidiary strands, which dealt with current policies and practices and with information provision. Further details of the overall approach may be found in the final report that I prepared for the SPCB.

Members will see from the introductory paper that the framework is made up of 13 documents—I accept that that looks daunting, but it makes sense once those are broken down. Ten of the documents apply to employees of the SPCB and relate to employment and service provision. There is a strong emphasis on the guidance designed to assist employees in implementing their obligations. The documents numbered 6 to 9 are all supporting guidance documents.

I draw members' attention in particular to the dignity-at-work policy; to the complaints procedure, which is designed to institute a robust system for dealing with harassment and bullying at work; and to the monitoring policy, which introduces the concept of the annual staff equality audit. That is designed to identify, on an anonymous basis, any issues that staff wish to highlight in relation to equality matters. It is also designed to monitor the make-up of staffing in the Parliament by gender, racial grouping and so on, and the treatment of staff—it asks, for example, whether they are being promoted in the way that might be expected and what their working conditions are. The monitoring policy sets out a more sophisticated form of recruitment monitoring than was in place when I arrived. It aims to identify whether the Parliament is attracting the range of people from the community that one would expect for such an organisation.

09:45

The framework contains detailed guidance on MSPs' legal obligations and on good practice in equality in employment and service provision, about which there are separate papers. There is guidance for MSPs on their interaction with SPCB staff and other staff. Where possible, I have tried to build in examples specific to the role of MSPs. I tried to run seminars for MSPs while I was here. It is not often that lawyers give free advice, but the response was not good, so the seminars were not able to run.

As drafted, the framework covers equality of treatment irrespective of gender, gender identity, race, marital, family or part-time status, disability, trade union membership and activity, sexual orientation, age and religion.

I went through a fairly extensive consultation process in doing my work. In the beginning, I wrote to a lot of organisations in the United Kingdom and asked them to let me see their equalities policies. I also contacted a number of Parliaments in Europe to ask for sight of their policies. I got a surprising response. Some respondents said that they did not have a policy in place. Some said that they did, but that the policy was limited in nature. Some of them were honest enough to say that they were working on a policy but had not got there yet. That was a bit of an eye-opener for me. All the organisations that responded to my request are acknowledged in an appendix to the final report to the SPCB.

During the drafting process, I worked with the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission. They were consulted on one of the near-final versions of the draft. I also consulted the Equality Network and Outright Scotland in relation to gay, lesbian, bisexual and transgender issues. Their comments were particularly helpful in relation to monitoring.

In order to establish long-term links with the Parliament, contact was also made with a range of other organisations, including, for example, the Employment Service disability service team and Skillnet Edinburgh, an organisation that works in the Lothians with the ethnic minority community.

The Scottish Parliament senior management team was consulted on the draft report, as were other managers, including clerk team leaders and office heads. Many of them made helpful comments, which were fed into the process. As Ian Macnicol indicated, the trade union side was also consulted.

Nothing is perfect, but it is fair to say that the vast majority of the comments were positive, constructive and supportive of the initiative. You are lucky to have a work force where, in the

main—it is impossible to group everyone together—there is no hostility to such policy initiatives.

Some particularly noteworthy features arose. Unusually, the practical implementation of the commitments on equality in respect of sexual orientation and religion features in the monitoring plan. Many organisations say that they do not discriminate on the grounds of sexual orientation or religion, but those things are not included in their monitoring plans. As the Equality Network pointed out, members of the groups concerned think that that commitment is often a paper commitment, with nothing to back it up. We have tried to deal with that head-on.

The annual staff equality monitoring audit and survey, the results of which are scrutinised by an external body or assessor, are also slightly unusual. The annual audit is anonymous, but there is often a fear that the organisation will use the information and find out who the people are. If the audit is done externally, that fear will be reduced.

To some extent, the focus on extensive guidance is unusual—I mentioned the reason for that. The requirement on senior managers to produce annual equality progress reports, including reports on service provision complaints and their resolution, and to put forward action plans for discussion with the chief executive ensures that senior management continue to be involved and appraised on their commitment to equality issues. The publication by the chief executive of an annual equality report is one of the recommendations that has been made in the past year and one of the new initiatives that are planned. It forms one strand of an equality communication strategy, which is embedded in the framework.

The focus on equality issues is part of the appraisal process for staff. Often in respect of equality issues, people are slapped down for doing the wrong thing and are not rewarded for doing the right thing and for being committed and interested in equality issues. Building equality issues into appraisal and career development is a positive approach.

The equality framework and the recommendations in the action plan—if they are implemented—will put the Scottish Parliament at the forefront of good equality practice as an employer and service provider. When the framework was drafted, I bore in mind commitments that would have to be made as a result of European directives on equality, which need to be implemented by either 2003 or 2006. Those commitments were foreseen and embedded into the policy, so I hope that the Parliament will be slightly ahead of the game in some respects.

The framework needs to be kept under constant review. That need, together with the need to implement my recommendations, necessitates continuing high-level focus on equality issues. In that regard, the appointment of Levi Pay is a tremendous step forward for the organisation.

It would not have been possible for me to do what I did in six months or so without support from senior management, which I commend. In particular, I thank Ian Macnicol, who was unwavering in his support and enthusiasm. Beyond the call of duty, he came to evening meetings with me as part of the consultation process. We would not have progressed as quickly as we did without such support.

Levi Pay will now discuss how he will carry forward the initiative.

Levi Pay (Scottish Parliament Corporate Affairs Directorate): I do not intend to speak for long, but it might be helpful to discuss some key points on how we intend to implement the equality framework.

Since I was appointed, I have met directors and colleagues in the organisation who will have a key role in implementing the framework's recommendations. From those meetings, I sensed a significant and genuine commitment to ensuring that our work is as accessible as possible to everyone and to tackling the barriers that exist or might exist for particular groups in respect of how we employ staff and how we deliver our services.

From meetings that I have attended, it is clear that every directorate in the organisation has been involved in equalities work of some kind. For example, a working group of officials has been established in the Parliament to put together a draft languages policy for the Parliament—indeed, the committee's next agenda item is about the use of languages other than English. There has been significant and continuing input by access consultants to the Holyrood building project to ensure that the building is fully accessible. Moreover, a policy on sign language provision in the organisation is being developed and the operation of the disability allowances scheme allows members to apply for finance to cover costs to ensure that their work and constituency offices are accessible to people with disabilities.

The equality framework document is comprehensive and progressive. It provides us with an opportunity not only to continue such work, but to ensure that the organisation develops an even more co-ordinated and strategic approach to equalities issues. We need to develop our work so that we increasingly focus on the needs of individual service users, for example. In developing our policies—not simply those related specifically to equalities issues—we should be

thinking about the person who comes through the doors of the Scottish Parliament to seek information, the person who logs on to our website to look for information and the person who requires assistance or advice from their MSP.

Ian Macnicol mentioned resources that are set aside for training. It is a well-rehearsed mantra in the equalities field that equalities work does not require additional resources—the issue concerns ways of working rather than carrying out additional work. That is often true, but, equally, if an organisation identifies key gaps in how it provides services, additional resources will sometimes be required to fill those gaps. For example, if an organisation does not provide public information leaflets in languages other than English and Gaelic, resources will be needed to fill that gap and ensure that there are no barriers for certain communities. The SPCB is not shying away from that.

To begin the process of delivering on the equality framework's aspirations, we identified five main priority areas for the SPCB over the next six months. I will not go through those areas now, as they are listed in the paper that we have provided for the committee. However, it might be worth pointing out that focusing on those five areas will mean that projects such as the annual monitoring audit of staff might not be completed or even started in the first six months. That is not a problem, as we need to get the order of events right. It is essential that staff are trained on equal opportunities issues before they are monitored so that the monitoring exercise will be as effective as possible and people will understand why we are carrying out the monitoring and what the information will be used for.

I have briefly outlined where we should go from here. We welcome members' comments on the content and implementation of the framework and the key priority areas that are identified in our paper.

The Convener: I thank Levi Pay for his crisp presentation. I would like to pick up on a few phrases that Shona Simon used about implementation and monitoring. She heavily underscored the phrase "if they are implemented" and referred, near the beginning of what she said, to how policies

"often end up as no more than pieces of paper in a drawer."

Perhaps I should put my question to Ian Macnicol. It is still early days. Can we be confident that people throughout the organisation have a clear understanding of the essential principles and the framework that has been adopted and that they understand what is expected of them? Is the policy being approached positively and carried out not only in relation to the employees of the corporate

body, but in relation to how MSPs react towards or handle their own staff and how they react and interrelate with the staff of the SPCB, which is perhaps an even more difficult area?

Ian Macnicol: That is a nice, easy question. At the moment, the staff probably do not have a clear understanding. We are at the start of a process. The equality framework has been available to staff for some time. In the process, we have let this committee see the framework—the Equal Opportunities Committee will see it shortly—and the trade union side has seen it. Therefore, it seemed crazy not to share it with the staff. Many of them were consulted and they knew that something was going on. The framework is therefore now available on the intranet—SPEIR—and we remind staff every week that it is there. People know that it is around and have probably read it. However, at the moment, I do not think that they fully understand what it means for them. That is why we emphasise training. Levi Pay is correct to say that we should not try holus-bolus to chuck the thing in until we have had a chance to engage with staff on an individual level and let them engage with their fears, apprehensions and prejudices. We are at the start of a process as opposed to being anywhere near to full implementation.

The Convener: Will the process move forward from the point at which you can finalise agreements with the unions?

10:00

Ian Macnicol: Absolutely. There was no point in our work unless we went hand in hand with the trade union side—it would have been absolutely crazy to have worked in any other way. In fairness to the trade union side, the only reason that its response is delayed is that it has been heavily involved in a huge pay and grading exercise that my office has been implementing. The delay in the TUS's response is the result of a lack of time, rather than any significant difficulty with the policy.

As Shona Simon indicated, dealing with Parliament staff is the easy bit. For members and members' staff, we may need to see recommendations from the Procedures Committee, the Equal Opportunities Committee and the Standards Committee. All that the SPCB can do is tell the horse where the water is. I have read the guidance that has been produced for members, which is excellent and will enable them to get up to speed on their obligations. If members take the opportunity to read the guidance, I suggest that it may cure their constipation. The guidance spells out exactly what obligations members have as employers and service providers.

My heart goes out to members, who have stood for election as MSPs and suddenly find that they are employers with huge commitments. During the first days of the Parliament, we did our best to give members a good steer. My office is always available to support members in dealing with difficulties and we spend a great deal of our time doing that. However, it is a shame that we were unable to get the guidance out to members sooner, as it will put on the light for them.

I hope that members will engage with the training that we will make available to them. However, we cannot use compulsion. We can only say that we offer some useful training that members may enjoy and from which they may benefit. It is for the Parliament to decide whether it wants to make a fuller commitment to the equal opportunities framework.

Donald Gorrie (Central Scotland) (LD): I know very little about equal opportunities. I know a little about MPs and MSPs—enough to know that trying to educate and train them about anything is as near impossible as one can get. The members who are not performing well in this area will be those who fail to participate in the training that is offered.

I have more faith in MSPs' staff than in MSPs. Could staff members be compelled to attend training sessions? That might be one way forward. What is the legal position if an individual MSP falls foul of equal opportunities legislation? Political groups at local and national level are notoriously bad employers and can have problems. Legally, would the Parliament be liable if either an individual or a group did funny things? I do not know whether this issue affects other parties, but I know that in some constituencies the Liberal Democrats have a local agent who is employed partly by the MP, partly by the MSP and partly by the constituency association. If that agent makes a hash of things, how do we sort that out?

Ian Macnicol: The member is seeking free legal advice.

Shona Simon: The nightmare scenario is one involving a local agent who is employed by three individuals. That is the sort of problem with which employment tribunals are faced. In such circumstances, it is necessary to establish who is the employer before that person can be found liable for discriminatory acts by the employee. Members need to bear in mind the fact that vicarious liability applies under discrimination law. If an MSP employs someone who discriminates against another of their employees, the MSP may be vicariously liable for that person's behaviour, unless they have taken all reasonably practicable steps to prevent such discrimination occurring. As Ian Macnicol said, that is the thing that comes as a shock—he referred to the guidance as a cure for

constipation. Employers find it difficult to accept that, despite knowing nothing of discrimination, they may be liable for it.

The legal position is that an employer is liable if they are the perpetrator of an act of discrimination. They may also be liable if they did not perpetrate the act, but one of their employees did. A claim could be made against them before an employment tribunal in Scotland. In respect of service provision matters, an employer might also be liable for discriminatory acts. Such cases would be dealt with by the sheriff court, but the same legislation would apply.

The impact on the Parliament of discriminatory actions by an MSP would be felt in negative public perceptions and publicity. The Parliament would not be liable for the actions of an MSP, but members know how issues can be construed in the public domain. The fallout from discrimination cases would land on the Parliament's public image. The SPCB understands that it is in the body's interest to encourage MSPs to become actively involved in equal opportunities—for various reasons, including the wish to avoid negative public perceptions of the Parliament.

It is difficult for me to offer a judgment on a scenario involving multiple employment. However, it would not be unheard of for the three employers to whom Donald Gorrie referred to be named in legal proceedings and to have to carry the can between them, jointly and severally.

Ian Macnicol: Shona, will you explain how MSPs may avoid vicarious liability?

Shona Simon: Vicarious liability may be avoided if the employer has taken all reasonably practicable steps to prevent the act that is complained of. It is no good shutting the stable door after the horse has bolted—that must be done in advance. Staff should be trained in good equality practice. An employer should have clear disciplinary policies that spell out how they will view discrimination or harassment, and they should have a clear equal opportunities policy in place. I have done the donkey-work by drafting an equal opportunities policy for members. All that they have to do is to put it in place. As Ian Macnicol said, we can take members right to the water's edge, but they must drink for themselves.

If members have an equal opportunities policy in place, if they train their staff and if they make clear commitments in their disciplinary policy, that will take them down the road of having taken reasonably practicable steps to prevent discrimination occurring. They can then stand back and say to their aberrant employee that they will not be held liable for the latter's actions. In that situation, liability falls on the employee alone, who is obliged to pay any compensation that is

imposed, should they be found to have discriminated against someone.

The Convener: That was the Imodium clause.

Mr Gil Paterson (Central Scotland) (SNP): I do not want to make excuses for MSPs who fail to turn up for training, but there may be reasons for that. In the Parliament we receive a large amount of paperwork and there is a large amount of swotting to be done. It is possible that MSPs think that they know it all on this subject and that they would not discriminate in the first place. At whom should training be targeted? Should priority be given to employees or to MSPs, who are ultimately responsible for anything that happens either in the Parliament or in their offices? How should we drive down the message to MSPs? I am sure that most members of the committee would have to put up their hands on this issue. I have always received free information from lawyers—it is the invoices that cost me money. How should the committee develop the equality framework? What is the best way of doing that?

Shona Simon: Gil Paterson asked first at whom training should be aimed. My answer is that training should be comprehensive, covering both MSPs and their employees. Let us consider the issue simply as a liability matter. If a member's employees are untrained, do not know their obligations and discriminate against other employees, members will be liable for the actions of those persons. Simply to avoid liability, members must ensure that their employees are trained.

If you, as an employer, do not know your way around the area of equal opportunities, you might unwittingly discriminate against someone. I will not go into the legal technicalities but, in direct discrimination, motive is not required to be proved. In other words, if you did not mean to discriminate but you did, you are liable. Both the employee and the MSP must engage with those issues.

How do we get MSPs to engage with the issues? As I said earlier, I made an offer of free legal advice on the parliamentary intranet. Even that did not do it, which shocked me.

Levi Pay is probably the person who will have to act on that issue. Perhaps he has something to say about how he plans to do that.

Levi Pay: I will talk about some of the practical steps that we are taking to get information to MSPs and their staff. The equality framework will be placed on the parliamentary intranet, so it will be available to MSPs and staff.

We are considering how to build equalities issues into the induction programme for MSPs' staff. For example, with an issue such as the disability allowances scheme, provision has been

made for members to apply for money to ensure that their work and buildings are accessible. That is no use if no one knows about it. It is as crucial for MSPs' staff to know about that as it is for MSPs. We will build that into the induction process for MSPs' staff as much as possible.

We will also rely on MSPs to ensure that they work with new staff and talk them through some of the issues, possibly starting with the model policies that we have provided. Those issues could be made clear along with all the other things that are talked through with new starts, such as health and safety in the building that they might be working in. Equalities issues must be built in at that stage, so that, if someone has specific requirements for sign language provision, for example, employees know how to meet those requirements, where to access them and how to apply to the SPCB for the finance.

The provision has been made. The issue is now about ensuring that we use that provision rather than just letting it sit there. For example, only a small number of MSPs—approximately three or four a year—have used the translation services for languages other than English. I believe that that does not reflect the demand from people coming to their MSPs looking for advice and assistance. Any steer that the Procedures Committee could give on how we can ensure that the existing provision is taken up by MSPs would be helpful.

Shona Simon: In the final report, there are recommendations on the code of conduct for MSPs. If memory serves, MSPs are responsible under that code for the behaviour of their staff. It follows that there must be a system of dealing with that responsibility, and that is through the code of conduct.

For those of you who are interested, I made certain recommendations about building in the equalities perspective to the code of conduct. I suppose that that is another way of getting to MSPs and making them aware of their responsibilities.

Mr Paterson: I was taken by the suggestions about passing on the information to MSPs. Would visits to the political groups in the Parliament be worth while? When the equality framework is signed, sealed and delivered, another idea might be to hold a seminar similar to the ones that are put on by voluntary organisations in the foyer. Better still, we could allocate some time to sit down and go through the key areas.

An awful lot of MSPs, if not all, are busy. The problem is that they think that they know everything when, in fact, they know very little. We need to ensure that that important information about responsibility and liability reaches MSPs.

When people have been in business, they

probably know a lot already because, like me, they might have had to learn the hard way. It might be necessary to have some induction in a forum rather than leaving people to absorb a document. Sometimes it helps to be able to question the input and outcomes.

10:15

Shona Simon: During my time here, I wrote to each of the political parties and suggested that I could come along to a party meeting, do a short presentation and take questions. One party took me up on that offer, but then had to cancel due to unforeseen events. Party meetings were tried, unsuccessfully, as a way in to the parties.

The launch of the final equality framework will present another opportunity to take that approach. It is good to try to meet MSPs in their political groupings, where they might feel more able to talk about issues. That is a good idea to try again.

Mr Kenneth Macintosh (Eastwood) (Lab): I am conscious that it would be easy to turn this meeting into a seminar or workshop on how we implement equal opportunities. Rather than do that, I will make a couple of observations from my experience.

Many MSPs' staff do not work in the building and are already at a disadvantage because of that. I hesitate to say that they are discriminated against, but they do not have access to the same resources and facilities as staff who work in the building. I have two examples. If you give research to the Scottish Parliament information centre, the staff will prioritise it for MSPs' researchers who work in the building and there is a shorter turnaround time than if the researcher is in the constituency. Another example is French lessons, which are on offer for those who need them. They are available in parliamentary buildings in Edinburgh but not elsewhere. Those are just two little examples of how Edinburgh-centric the Parliament can be in discriminating against constituency offices. Those are just points to watch.

I would welcome information about how implementation of the equality framework will be monitored. That information would be useful in instructing MSPs in how we monitor our implementation of equal opportunities and in benchmarking ourselves against other MSPs to ensure that we are doing the right thing.

Part of the CSG principles is to promote equal opportunities. The framework should be a fantastic example of best practice and an exemplar. How does it fit in with the idea that we have to promote equal opportunities in the Parliament?

Shona Simon: Before you can properly promote something, you need to understand why you want

to promote it in the first place. Once people get to grips with the equality framework, they will understand the importance of the subject. Once people are enthused, you will find that there are natural advocates who will develop from the system and run with the issue.

Through its focus on equality issues in appraisal, career development, and personal development plans, the framework is almost an encouragement for people to pick up the ball and run with it for the long term and adopt new initiatives. The equality framework focuses on senior managers having to develop new initiatives and to bring those initiatives together in an annual report on equality matters by the chief executive. That report will consider the way forward.

The framework does not set the issue in stone. It is a starting point, which builds in ways of advancing the issue and of keeping equality near the top of the agenda. Once it is at the top of the agenda, you are promoting it all the time.

Mr Macintosh: I hope that there is also guidance on dealing with constituents and others and our behaviour towards members of the public.

Shona Simon: I drafted a service provision policy for MSPs to put up in their constituency offices that tells people, "This is how I say I am going to treat you. This is why I am going to treat you in that way. This is what I believe in." The policy also advises people to ask their MSP for information—it gives a variety of examples. In other words, the policy sends out a clear signal that says, "I am open. You need to let me know what you need and I will do my best to provide it."

Levi Pay: We want to make the process as easy as possible for MSPs, so that they can pick up on the model policies. Therefore, we are considering providing a printout version of a service provision policy that can be used if an MSP does not wish to produce a policy of his or her own.

On the promotion of equality, it might be helpful if I were to mention the new duties that the Race Relations (Amendment) Act 2000 places on the SPCB, which is now under a statutory duty to promote racial equality in performing all its functions. We must also produce a race equality scheme that sets out the SPCB's arrangements for doing certain things that relate to the promotion of racial equality. As a response to those duties, I have drafted a new section of the document—given the fact that that the legislation is relatively new, that section does not form part of the version that members were sent. Wherever possible, the new section takes a generic equalities approach, rather than a simple race equality approach. For example, I suggest that all policy papers that are considered by the SPCB could include a section on equalities issues across the board. Such a

section would consider the equalities implications that might arise from the policy papers. That is a large task, but sometimes such mechanisms are required to ensure that the issues are being thought through in each case, rather than being considered only when someone happens to come across a particular issue or when someone happens to be particularly in tune with equalities issues.

In addition, we need to raise general awareness levels. Whether we are MSPs or officials, we must all think continually about how to make our work more accessible and how to ensure that we comply with the legislation. That is where training comes in, which is why I believe that it is essential that we start with training before we move on to some of the other projects.

Mr Frank McAveety (Glasgow Shettleston) (Lab): If you want to find a way back to the political groups, it might be useful for you to enter into a dialogue with members of the Equal Opportunities Committee. I am conscious of the fact that the political groups have a limited amount of time available. For example, the Labour party group has a fairly tight schedule. It meets on Tuesdays at lunch time and many issues are crowded on to the agenda. However, our group has facilitated opportunities throughout the year for more thoughtful planning of policy issues—perhaps that work does not exhibit itself as being more thoughtful, but it attempts to be so. I am sure that other groups do the same.

The experiences of good-quality private sector employers or local authorities that have engaged in equalities issues across the UK are set against the probably natural scepticism that staff have at the outset. You seem to be suggesting that that level of scepticism does not exist but, in Donald Gorrie's case, for example, the staff may be older, have more traditional attitudes and have been used to certain ways of working. The difference between the Scottish Parliament and the Westminster Parliament is that many members of the Scottish Parliament have come through either a local authority or a private sector employer where they have seen equalities used as a tool to improve services rather than as a punishment.

I am concerned about that. How can I—or anyone else—get beyond the minefield of the obscure policy issues that surround equalities? If I am responsible for the behaviour of my staff on their staff night out, they will not go out this year—and, thinking about it, neither will I. How can we achieve the right balance?

I represent an area in which there are issues for constituents about disabilities and in which there is a significant concentration of ethnic minority communities. However, those issues are not exhibited in the contact that I have with my

constituents or in the demands that I think that they should be placing on me or my staff in relation to how we deal with them. That broader issue may be related to people's disconnection with the process.

How can you assist members such as me to review staff arrangements or office organisation? As there are only 129 MSPs, perhaps you could take a regional approach to giving positive advice and exemplars of good practice. That would encourage better take-up of translation and interpreting services, for example, or improvements to the physical infrastructure of offices that are in older buildings, which could be made more accessible. It would be helpful for me—I am sure that I speak on behalf of most other members—if you could address those issues.

How can we benefit from and use as part of our strategy the experience of local authorities that have done good work on access and equalities issues?

Ian Macnicol: There is an expectation that there will be some self-help. Part of the guidance that we give members is a huge list of agencies and other contacts that they can use. If a member is stimulated to find out more, at least there is that list. Levi Pay is a resource for the Parliament, as is the personnel office, which can help members with employment-related issues. Therefore, a fair amount of assistance is already available to members, should they wish to access it.

Unfortunately, I am regularly hauled up to the Parliament's headquarters to offer advice on how to sort out disasters on the employment side. It would have been much better if my staff or I had been called in to give assistance when members were setting up their offices.

The framework document provides members with an opportunity to say that they will take the matter seriously. They can invite colleagues to speak to their staff or their party in order to get things right once and for all.

Mr McAveety: Where do members fit into the equalities hierarchy? May I speak openly through the Procedures Committee, convener? Members are concerned about how they are treated when they make inquiries or seek assistance or resources. They are told, "It will all be sorted out when we get down to the new building. You will need to thole it at the moment." It would be unacceptable for me to say to staff, "Sorry. I will fix that hole in the roof when I get round to it or when I have the resources." There is a big issue about how members feel about the process. Where should members raise their concerns?

Ian Macnicol: Members should raise their concerns with their party.

Mr McAveety: Let me make a shocking revelation: my party treats me slightly better than the Parliament does.

Ian Macnicol: Members could also raise their concerns with the management of the Parliament. If you have a serious concern, you should raise it with the clerk to the Parliament. I would be disappointed if members thought that they were badly treated by the organisation, but they need to make their concerns known.

Mr McAveety: I am thinking of examples such as the fact that, when we are in the chamber, there is only one computer for 129 members, which is quite awkward. I give that example as a wee pointer among many.

Donald Gorrie: On that point, I presume that, technically, the SPCB does not employ members and that we employ the SPCB to run our affairs.

Ian Macnicol: It is a difficult area. Constitutionally, we do not think of, or treat, members as employees. Members have a very odd status. They are elected members of a legislature, and the SPCB exists to provide the services that members require. Members, as the Parliament, are in charge of the SPCB. For example, if the SPCB were to take a decision that members did not like, about, say, the allocation of resources, members could, as the Parliament, say, "Stuff you. We want this instead," and the SPCB would have to comply. It is a chicken-and-egg situation.

The Convener: Therefore, at the end of the day, Frank McAveety is responsible for the fact that there is only one computer for 129 members.

Ian Macnicol: That is correct.

Mr McAveety: You are using Augustinian philosophy to arrive at my culpability, convener.

Fiona Hyslop (Lothians) (SNP): Let me bring the discussion back to our inquiry. We are investigating the principles that the CSG advocated on the establishment of the Parliament. The principle that we are examining is:

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

What is your view on whether we have recognised that need and whether we continue to do so? Is it a matter of degree?

Shona Simon: It is a matter of degree. On employment policy—internal matters—and service provision, if all the recommendations set out in the final report were to be followed through, it would put the Parliament at the forefront in this area. The Parliament would certainly be as good as any local authority in the UK, even the most forward-looking one. I have been an equalities lawyer for 10 years

and I know what is going on around the country.

One of the real problems is how we get the whole community involved in the Parliament, which is one of the things that the Scottish Parliament was supposed to do. How do you reach out to disadvantaged communities, those who do not have English as a first language and so on? There is quite a lot more that the organisation could do to reach out effectively. Levi Pay and I sing from the same sheet on that point. Such engagement will come in time, but it is not happening yet.

10:30

Levi Pay: People must recognise that if an organisation produces public information leaflets but does not provide them in different languages, it is not just failing to tackle a barrier but creating a barrier for particular communities in Scotland. It is important to build that thought process into working methods and ensure that it is resourced. We can achieve that, but significant improvement will be required in some areas. The document provides a framework for us to move forward and come up with specific projects. It is not enough to have a policy that says that we are accessible; we must ensure that, when someone telephones or visits the organisation, their needs are met. People need specific guidance on who to contact to meet those needs.

The next focus is the practical steps. After we publish the document and once the policy is on the intranet, we will need to examine the specifics of how we operate as individuals and teams within the organisation.

Fiona Hyslop: You keep referring to the two points about employment and service provision. There is a baseline in relation to employment, which means that policy is not just about aspirations—we must operate in a certain way or else get hauled into court. It is quite a brutal analysis, but aspirations and a fluffy view of equal opportunities are not enough. We must do certain things or there will be consequences.

Shona Simon: There is that.

Fiona Hyslop: We have an unusual set-up. There are 129 employers and the corporate body. In a sense, we are all probably muddling along individually, with varying amounts of support from the corporate body and the Parliament.

If the corporate body, on behalf of the Parliament, provides the allowances to employ staff, could the SPCB take a carrot-and-stick approach, and require members to take responsibility for their staff? Obviously, we would prefer people to volunteer to attend seminars, but maybe a requirement to do so should be part and

parcel of having access to allowances. In other words, members would get allowances for staff only if they adhere to the equal opportunities framework and attend the training.

Ian Macnicol: That is an interesting proposition.

Fiona Hyslop: My point is that the problem may be not that people are unwilling to live up to their responsibilities, but that they do not know what their responsibilities are. We need to find a mechanism to convey the message that members' role as employers means that they must carry out certain functions and duties.

Ian Macnicol: I will respond to that honestly, by saying that Shona Simon and I tried to hatch a similar plot to ensure that members train the staff or take the training. However, nobody had any enthusiasm for it. Did it ever become a paper?

Shona Simon: Yes, it did. There was a move away from that approach. I saw it as the power of compulsion—that is a lawyer's view.

Ian Macnicol: One does not want to use such draconian measures. No one would thank us for it. I recognise Fiona Hyslop's idea, because we considered it. If the committee recommended such an approach, the SPCB would have to reconsider it.

Fiona Hyslop: I will get away from compulsion. We do not really want compulsion, although it is open to us. I will ask about service provision, which is key to the rest of our inquiry. Levi Pay has talked several times about making things accessible. The Parliament needs to consider how it is making itself accessible, not to those who know how to contact it, but to those who do not. I am conscious that, if the equality framework document is shortly to be published officially, the committee needs to find a mechanism to examine the recommendations that it makes. The line of accessibility is clear.

We might find helpful a shopping list of simple, practical measures that we would like MSPs to take individually. The written evidence that the witnesses have provided does not contain that, although I know that a bigger paper exists. Much of the paper covers the Parliament as a whole, but MSPs must acknowledge that we are all individual ambassadors for the Parliament and that we all, regardless of party-political affiliation, have a duty of public service to allow and encourage people to exercise their rights by using the Parliament for constituency matters or to express their views.

Will you share with us any practical measures that we could take that have come out of your discussions? At the moment, you are talking mostly to staff. From a selfish point of view, I can see that our inquiry provides a window of opportunity to say how the Parliament can make

itself more accessible and thereby acknowledge and promote equal opportunities. Is there anything that you would like individual MSPs to do to carry out that function?

Levi Pay: The focus needs to be on those who are excluded. If we are considering exclusion issues, we must think carefully about how we make progress, for example, on translating documents. It is not sufficient simply to say that we will translate documents that the Parliament or an individual MSP produces. We need to think through those documents. For example, are they full of jargon or are they aimed at a policy-making audience? If we examine some of the Parliament's publications, we see that they are not aimed at those who are excluded from the political process. Therefore, suddenly to translate them into other languages would not fill the gap and meet those people's needs. Perhaps new publications are needed that provide a much more general overview of, for example, the work of the Parliament or forthcoming legislation.

On recommendations that the Procedures Committee might wish to consider making, one of my concerns is that the Parliament's business is decided so short a time in advance that giving people a chance to interact with that business is difficult if we first need to translate the information and then disseminate it to appropriate groups and individuals. It might be worth considering how the Parliament's work is managed to make it more accessible to all and then consider how to address translation. The Procedures Committee might wish to consider some general issues as part of its review.

Fiona Hyslop: I am interested in knowing about the practical steps that we can take in relation to our constituency case load to encourage people to contact their MSPs.

Shona Simon: The document for MSPs on service provision contains a lot of practical help about furniture. It suggests thinking about where your furniture is in your office. Does it have to be there? How easy is it for a constituent to get from the door to where you might want to speak to them? It is as simple as that. If your office contains a box or a piece of furniture that does not have to be there, you create a hurdle for someone who is partially sighted or unsighted.

The document contains all sorts of practical tips about, for example, the colour of your constituency office door—it can be easier for partially sighted people to see it if it is a certain colour. We need to begin to flag up all sorts of practical matters to get people thinking.

What you say includes the broader issue of how we reach groups that have not engaged with the Parliament. There is a job to be done on that, and

I am not sure who should do it. I would like to think that MSPs would play an important role. Disabled groups or minority ethnic groups often organise themselves into pressure groups because they are disadvantaged and are trying to get access. Someone needs to tell them, "We made a commitment and are following through on it. We are trying to do our best but we cannot do that without consulting you." Someone has to start actively consulting those groups and gathering the information. MSPs might well be doing that already with their communities.

Fiona Hyslop: You have suggested something which we expected to happen, which is that the Parliament—never mind individual MSPs—would have a civic participation strategy to engage with the organisations that you have just described. From your experience, do you think that that has happened?

Shona Simon: I have to be honest: I have not examined the issue, so I cannot give a truthful view.

Fiona Hyslop: But you think that that sort of thing should happen.

Shona Simon: Yes. If we do not send a message out to people or engage with communities, they will not know that our organisation is taking its responsibilities seriously and is willing to provide interpreters, information in Braille or whatever, if need be. They are so used to being blanked out from life that they do not even expect us to engage actively with them—unless we tell them.

Fiona Hyslop: Do you think that the Parliament is engaging in an active civic participation exercise with disadvantaged groups?

Levi Pay: Although the Parliament has carried out useful project work, I am not sure that an overall strategy is fully in place to engage with all sections of the community. A helpful example might be the new Holyrood building's crèche facility, which will cater primarily for visitors to the Parliament. Although the facility will be extremely useful, it is likely that most of the people who come through the doors of the Parliament will have made arrangements for child care provision. If we want to ensure that the facility is filled almost to capacity, we should find out whether we should be reaching out to a new set of people who are not engaging with the Parliament because of certain barriers. It is not sufficient simply to say, "We have a crèche facility; come along and use it," because we will be telling people who will not require the service. Instead, we need to reach out to people who currently have no interaction at all with the Parliament, because they are the people who will require the service if they want to become involved with the Parliament's work. The project is much

bigger than simply stating that resources have been allocated to design, deliver and publicise a crèche facility in the new Parliament. We must consider how we reach out to people who might require to use the facility.

Fiona Hyslop: On benchmarking, where are we in relation to Westminster, the National Assembly for Wales and the Northern Ireland Assembly?

Shona Simon: As I understand it, we are pretty much ahead of Westminster on this matter. Its strategy is nowhere near as fully developed as ours is—that is, if we assume that our framework will be implemented. The National Assembly for Wales had what might be called a full-time equal opportunities officer and a detailed strategy before we did. Although its strategy is not as comprehensive as ours, it is still good. The Welsh are currently reworking their strategy, which means that they are already finding that they have had to take on board various lessons that they have learned. As a result, I did not get to see their full strategy because they are already revising it. That said, they have been very active.

I am really sorry—I cannot remember what stage the Northern Ireland Assembly has reached, and would do the committee a disservice if I tried to talk about it. I have a feeling that it was reviewing the whole area. The report mentions the Northern Ireland Assembly, because I did write to it, but I did not get back very much information, which is probably because the Assembly was reviewing the matter.

Ian Macnicol: We can send Fiona Hyslop the extract from the report, if that is helpful.

The Convener: When you hold your seminars for MSPs, perhaps you will remember that Fiona Hyslop has just attended hers and is now fully accredited.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I apologise for missing the earlier part of the meeting. I am sure that the convener will quickly slap me down if my points and questions overlap with those that have been raised already.

I have a couple of observations and a couple of questions. I wish to pick up on the discussion that was taking place when I arrived, which was about the relationship between MSPs, the Scottish Parliamentary Corporate Body, the personnel office and so on. I think that there is a wider point, which extends well beyond equal opportunities issues, although that is what highlighted the point. It is about the relationship between MSPs and personnel, how advice is sought, when it is offered, and how the employer role of MSPs has developed. That is not a criticism—implicit or explicit—of anyone; I simply make the observation that the relationship is quite confused. Anything

that can be done to clarify it can only be helpful. I make that comment and leave it to one side.

Frank McAveety was talking about where MSPs are in the food chain—or words to that effect. I am not sure that I would use the same examples as he did, such as the provision of computers, phones and so on across the road in Parliament headquarters, although there are issues with that.

10:45

To return to equal opportunities, I think that there is an issue around where MSPs fit into the context. We are, by definition, in an odd position—we are elected representatives; we are not on employment contracts. We are employers, rather than employees. However, we are doing a job of work, too.

Let me give a random example: maternity—I just happen to mention it. People ask me what maternity leave provisions I have, and I say that I do not have any. They will ask, “What do you mean, you don’t have any?” I will explain that we are not on employment contracts and so on. I understand that and I am able to explain it, but there is no guidance or framework within which MSPs should operate, which seems entirely anomalous, given the huge amount of work that has been done to put in place practices, procedures, frameworks, rules, regulations and so on for employees. Somehow, we have to grasp that.

I will stick with the maternity example, although it is by no means the only one. Given that we have gone a long way to ensuring that there are more women in the Parliament—a lot is made of that—and given that we want to increase women’s participation, it is important that we do not just leave individuals to justify their position in relation to such issues. I think that there should be guidance on such matters, which we can point to. There should be a set of rules within which MSPs should operate.

The issue is not female specific; the same applies to some issues around child care. I raised this—although half in jest—at a previous meeting of the committee. The child care provisions that have been put in place by the SPCB are meaningful, tangible and practical, and are, in my view, positive steps. They are, first and foremost, for the use and benefit of staff. MSPs are eligible for it, but they have got it in the neck simply for having that eligibility, even if they do not use it.

That is not a litany of complaints. We have a job to do, which includes articulating the appropriate arguments and justifications for such provision. I simply note that there is something of a gap, and politicians must consider where we fit in.

Having got that off my chest, I will move to a

couple of questions. I have a general preoccupation with equal opportunities work, and did so in past lives. I worry about our developing carefully crafted and robust processes, but in doing so, not doing as much as we should to address our cultural attitudes. If they are handled incorrectly, people can hide behind the procedures. They might know how to tick the right boxes. They might even know how to talk the talk. However, their personal practices may be at variance with the procedures. What point have we reached in terms of culture and attitude, as distinct from process and practices?

Shona Simon: Over the years, I have dealt with employers of all types. I am heartened by the constructive way in which the employees who have been consulted so far have responded to the draft framework. Susan Deacon was not here when I made that point—although I do not intend that as a criticism. In the consultation, employees were told clearly that they could say whatever they liked about the framework. Many of them came up with constructive, good ideas. Some employees displayed attitudes that needed to be challenged and which will need to be challenged in future. You do not have a work force that is completely without fault or blemish. However, by and large, the organisation offers a positive environment for equal opportunities. That comes in part from the fact that senior managers appear to be genuinely committed to the ideas that are contained in the equal opportunities framework.

There is still work to be done. The culture in the Parliament is not one of deliberately doing down particular groups, but there is a lack of information, understanding and knowledge. The emphasis on training in the equal opportunities framework will help to deal with that. Only when we get people into small groups will we be able to address problems of culture and attitudes. That is why the framework focuses so much on training and guidance, rather than just policy.

Susan Deacon is right to say that it is easy for someone to tick all the boxes and say that they have complied with the policy and would like their gold star. The framework needs to be more meaningful than that. The guidance seeks to explain why we are doing what we are doing and what we are trying to achieve. If people buy into that, we will begin to get them to understand what the framework is about and why it is being implemented. That is better than having them simply tick boxes. In the framework, I have tried to tackle problems of culture and attitude, but I accept that there is still a great deal to be done through training.

I want to comment on the member’s original observations about maternity rights for MSPs, which is an area on which the law has very little to

say. Grinding my own axe, I can say that, as a female partner in private practice who is self-employed, I do not have employment rights. MSPs' situation is not dissimilar. If the Parliament wants to send out the signals that it tells me it wants to send out, it needs to address such issues.

If women, minority ethnic groups and representatives of all parts of the community are not attracted into the Parliament—although the Parliament has a high percentage of women members compared with certain other Parliaments—members will be failing to keep their promise to put equality of opportunity at the heart of the Scottish Parliament. They will be failing in that regard if people do not seek election because they do not want to work in an environment in which they do not know and no one tells them whether they have maternity rights. Similarly, members will be failing if people do not seek election because they do not want to work in an environment in which the dominant language is English and no one has done anything to encourage them—people with English as a second language—to participate in the democratic process as an MSP. If equality is to be put at the heart of the organisation, the position of MSPs needs to be covered. Equal opportunities do not apply only to employees.

Susan Deacon: My next question relates to participation and involvement. I listened carefully to what was said, but I am anxious about the fact that we are concentrating on groups.

Shona Simon spoke about ways of reaching groups that have not engaged with the Parliament. In many respects, engagement with organised groups is not the main issue—as she said, sometimes the fact that people share a certain need or recognise that they are part of a group means that they are organised and so it is easier for the institution to engage with them. There is a bigger issue about how we engage with the wider general public. That is borne out by all the work that the committee has done in its inquiry into the implementation of the consultative steering group principles and by the work in which Professor McCrone has been involved.

Levi Pay said that we need to focus on people who are excluded, but that might run counter to my point. That approach suggests that we can identify all the excluded people, target them and engage with them. However, paradoxically, in so doing, we might further disengage from a wider populace that feels rather disconnected from the Parliament. That is my concern.

Will you comment on that range of issues?

Levi Pay: It is not easy. Breaking down barriers to tackle exclusion is very difficult. It is possible to

do it by interacting with pre-existing networks, and in doing that we treat people as groups and make assumptions about the way in which they are excluded. In a sense, one must do that to tackle an issue seriously. For example, one would have to use the network of racial equality councils and ethnic minority community organisations to disseminate information about what the Parliament is doing that is directly relevant to them and in a format and language that is appropriate to their needs.

At the same time, we have other proactive mechanisms to ensure that people have access to our information—the website, the partner libraries scheme and so on. We can continue to develop that work further. We can also work with other mainstream organisations, such as the citizens advice bureaux, to give people information about what their MSP can do for them, what visitor attractions the Parliament has and so on. If we work with a combination of mainstream and community organisations, we can start to tackle the issues.

We cannot build links with excluded groups overnight; it is a process. What the Parliament is seen to be doing in policy and how it is seen through the media have a big influence on how well people interact with the Parliament. As the parliamentary staff organisation, we can provide mechanisms to ensure that people have access to information about their MSP and know who to contact and where they are. We must then ensure that we meet their needs and open up a meaningful dialogue when they make that contact. We do not want to get them as far as the front door of the constituency office and then leave them hanging. We should look towards using mechanisms—such as the website and other organisations—to get information out to people and then increase our awareness of issues so that we are ready to meet demand when it arises.

Shona Simon: There is scope for liaising more effectively with organisations that provide front-line services to the community. We can use them as a conduit for information. There was some discussion about liaising with the City of Edinburgh Council, although I do not know what became of it. The council set up a very good interpretation and translation service. The Procurator Fiscal Service jumped in and now uses the same service. There is no point re-inventing the wheel. There seemed to be scope for us to team up and have a jointly funded translation and interpretation service.

Similarly, if we can place information about what we are doing and how proactively we are trying to engage with disfranchised people in, for example, local authority offices, where people go with housing and benefit problems, it might be a way to get those disfranchised people to understand that

the Parliament is more open and accessible than they might think it is.

The Convener: I would like to give the committee's adviser, Professor McCrone, an equal opportunity to touch on anything that we have not covered.

Professor David McCrone (Adviser): I would like to ask Shona Simon a question before making a few comments. She mentioned that she went to other institutions to see what they were doing. Would it be a good idea to send out the equality framework and do a bit of propagandising once it is in place? Have people requested that already?

It has been an interesting discussion and I am mindful that we are close to producing an interim draft. The organisation might be extremely good and efficient internally, but external factors could let us down. A not trivial example is the next parliamentary elections, when we could hit the issue of the impossibility of getting people up and down ramps into voting stations all over Scotland. All we need is one such incident and we could effectively destroy all the good work that we have done.

It could be argued that that is an issue for returning officers, but there are a lot of mines around the institution that could do serious damage to all our good work. How does one get over that? There is no easy answer. We could have a Rolls-Royce institution in terms of equal opportunities, but how do you seed that out? How do we propagandise, send out the right signals, do the right things, and persuade the people who are close to the issues—such as returning officers—that we have to get over the issues or the whole thing is for nothing?

Shona Simon: On sending out the framework, some people have sent me their policies and have adopted an approach of, "I'll show you mine if you show me yours." They have requested the equality framework and they will get it.

Professor McCrone: Have you got a list of those people? That would be useful.

11:00

Shona Simon: We can show you that.

Other people did not say that. It did not strike me, but it would be a good idea to show people, quid pro quo, what we have done. That is a good way of spreading the word.

How do we get to returning officers? That is slightly out of my area of expertise. As I understand it, returning officers are local authority employees, so one would expect them to be au fait with the main issues. Is it your experience that that is not the case?

Professor McCrone: It does not happen in practice.

Fiona Hyslop: Proposed legislation should address that.

Professor McCrone: As long as it is acted upon. All we need is one incident in some school or other to upset the whole thing.

Mr McAveety: It would be helpful to have a local view now. There will be 32 returning officers in local authority areas. The person who tends to be appointed as returning officer is the chief executive. Is that correct?

The Convener: Sometimes it is the sheriff.

Mr McAveety: It should not be that difficult to identify a year in advance what local authorities have in position. Buildings are already a perennial issue when there are local government elections, because a lot of former schools and old buildings are used in authorities across Scotland and are just not suitable. There are endless complaints about people being denied access because they cannot get their wheelchair in. It is a regular occurrence to get 30 or 40 complaints straight after an election. Some councils are trying to deal with that but maybe they should get a wee jildy on, if I can use that colloquialism.

The Convener: If you spell it for the *Official Report*.

Shona Simon: Is that an issue that the Scottish Executive should engage in? I might be speaking out of turn.

The Convener: I am not sure whether it would be a matter for the Executive or something for the Parliament, since it governs parliamentary elections. That is a constitutional nicety.

Shona Simon: It is, but there seems to be scope to say what the current situation is and to lay down basic guidelines and advice on what the situation should be. That does not seem to be a hugely difficult task.

Mr McAveety: It will be if lawyers are involved.

Shona Simon: That was uncalled for.

Fiona Hyslop: The forthcoming local government bill covers those issues. I understand that they will be covered by statute in time for the elections.

The Convener: Does the forthcoming bill cover such matters as the publication of election notices, practical notices around polling stations and ballot papers in different languages?

Fiona Hyslop: I understand that it covers physical accessibility issues. I will have to re-read the outline bill to see whether wider issues are covered.

The Convener: That is an interesting train of thought.

Levi Pay: It is a good example to show that we need to work in partnership and use our influence where we can to influence the work of other organisations. We can make sure that Holyrood is an accessible building, but if the public transport that goes there is not accessible then it will not work. I am suggesting that we write to public transport organisations to request that they use state-of-the-art transport on the new routes that they are planning for the Holyrood site. That is one example.

Polling stations are another example. We rely on the people who manage the premises to ensure that access issues are taken seriously. As an organisation—MSPs and staff—we can influence that. A two-pronged approach is needed. Given the premise that discrimination exists in our society, we need to make sure that our organisation tackles such barriers. Externally, we need to make sure that we work with other organisations so that the whole democratic process is accessible and not just the bit for which we have direct responsibility.

The Convener: That is a good note on which to wrap up the discussion. We have gone significantly over the time that we had planned but it has been worth it. We have covered a lot of ground, some of which was unexpected. I thank the three witnesses who contributed to our discussion, particularly Shona Simon, who has come back and over whom we no longer have any real claim. It is good of you to give so much of your time and expertise.

We will have a couple of minutes' break before we move on.

11:05

Meeting suspended.

11:15

On resuming—

Languages

The Convener: I reconvene the meeting. We move to the second item on the agenda, which is the paper on the use in the Scottish Parliament of languages other than English. I welcome Stephen Hutchinson, the deputy editor of the official report, who is chairman of the group of officials that is examining the issue. Stephen will make some introductory remarks about the paper.

Stephen Hutchinson (Scottish Parliament Directorate of Clerking and Reporting): I hope that the committee found our progress report useful and helpful. I am most interested to learn what the committee feels about our report and whether members think that we are going in the right direction.

We have directly addressed two questions. The first is about limits—I think that we answered unhelpfully the question on that by saying that there are no limits. The second question is on the CSG principles, which is the basis of the committee's inquiry. In our view, the principles of the CSG remain valid in many respects. We also found that many of the services or provisions for which the CSG asked have been put in place and, as far as we are aware, they are working satisfactorily. However, we found some significant gaps, particularly in relation to public information, as members heard during the previous agenda item. Members will see from our progress report that we believe that we must focus on that.

The crucial point is that the group believes that we should retain a large measure of flexibility in any language policy. The policy has heretofore been applied quite flexibly, and the requirement to do so will remain. We have reached the stage of finding lots of questions; we are now embarking on trying to find some answers. During the discussion on the previous agenda item, it became clear to me that we are drifting more and more into the territory of equal opportunities. The issue is complex and involves judgments about how far we should go. Susan Deacon asked whether we should reach out only to groups or whether we should go beyond that to reach out to individuals. The answer must be the latter approach, but we must find a mechanism through which to achieve that. What we are after is a policy that works—we are not too fussed about producing a big shiny car that sits on the drive but will not go anywhere.

I am grateful for the opportunity to attend the meeting.

The Convener: Members will ask questions about the paper. I will start with a question about paragraph 35, which deals with the response that the Parliament might give to the election of an MSP who was not fluent in English—I presume that you mean someone from an ethnic minority.

Your report talks about tailoring support to an individual and that therefore it would not be appropriate to spell out at this stage what you would do. In the previous discussion, Shona Simon made a strong pitch for a policy that takes entirely the opposite approach. She said that people who are considering putting themselves forward for election to the Scottish Parliament should know in advance what sort of support might be in place to assist them to cope effectively with their work in the Parliament as well as in the constituency, and with the public and civic society at large. I wonder whether you think that the group might like to extend its work on and consideration of that area.

I want to relate that previous question to paragraph 5 in the paper, which outlines the group's composition. Would the group consider co-opting representatives of one or two ethnic minority groups, who might be able to offer expertise or perspectives that the group does not currently have? Perhaps a little thinking outside the box would focus the group's minds on avenues or areas that its members had not considered but to which they might be receptive.

Stephen Hutchinson: Absolutely. I wanted to get a feel that we were in the right football ground—

The Convener: That is a much more difficult question in Scotland.

Stephen Hutchinson: If it is felt that we are in the right territory, we will have to do exactly what you suggest. The question whether that will involve a formal membership arrangement or a series of discussions does not matter too much. I am extraordinarily happy that Levi Pay, who spoke very well this morning, is part of the group. He has been extremely helpful in the short time that he has been with us. He knows the territory well; I freely admit that I do not, and am grateful for all the help that I can get. As I said, I will be doing as you have suggested.

Mr Paterson: I want to concentrate my comments on the Scots language. Paragraph 20 of the report states that in relation to Scots the CSG

"noted 'most MSPs can be expected to understand spoken and written Scots, and that many of us switch between Scots and standard English' and suggested 'that no interpretation facilities will be necessary for MSPs wishing to use the Scots language'."

That statement is very positive, because it reflects

my belief that the Scots language is living and that most of us know and use it. We do not need bells, whistles and drums to point out that we are speaking in Scots.

That said, the report then goes on to write Scots out of the script. Paragraph 34 says that

"legislation in any language other than English would be inaccessible to the vast majority of the population of Scotland/UK".

Furthermore, signage in the new Parliament building will be in Gaelic and English. Shona Simon talked earlier about how we could reach people whose first language is not English. My claim is that the majority of people who live in Scotland are Scots speakers first and foremost and English speakers second. At times, I have watched in disbelief someone from Africa, for example, speaking much better English than I do; however, they do so rather hesitantly because they are thinking in their own language and translating it into English in their heads. We see this phenomenon all the time, but do not recognise it as such in Scotland. I know that this seems like a long way to ask a question. We do not recognise that when Scots children and adults appear on television or in the media, they look as though, like an African or someone from another country, they do not understand clearly what they are saying. The reason is that they are thinking in Scots and are translating into English. The report does not take cognisance of that fact, although it really ought to have done so.

The Parliament is either a Scottish Parliament or it is not. At the very least, we should have words that say in Scots that it is the Scottish Parliament. Acknowledgement that Scots is alive and well is the one bell and whistle that I would look for. Frank McAveety said "jildy". He also said "stushie", quietly. I am not seeking to see indications of accent in documents, because accents occur throughout the world. I am talking about language—the words that we use every day. I hope for some action. Will you take some action as a result of what I have said?

Stephen Hutchinson: I am not sure what action you want me to take. I can see no barrier to the use of Scots. I fully accept your point about paragraph 34, which deals with legislation. I will explore that with lawyers. I do not know about signage. That sounds as if I am passing the buck and I apologise for that. I will pursue signage, although that is being dealt with in the context of the new Parliament building—signage consultants have been employed. It is not appropriate for me to wade in on that, as I do not have expertise in that area, but I will pass your points on. The Holyrood progress group and the Scottish Parliamentary Corporate Body might represent a better audience for that point.

Mr Paterson: In Europe, legislation is enacted in all sorts of languages and that practice will probably broaden. It might well be the case that some words that are used commonly in our language in Scotland could be incorporated in legislation. I will use a simple example, which is Frank McAveety's word, "stushie". We all understand that a stushie is not a fight; it has a somewhat different meaning. My great concern is that the institution plays up to the old myth that when people use Scots words, they do not speak properly. I am all in favour of people speaking properly, but how does one speak properly? The inference is that speaking properly means speaking English. I do not accept that assertion. I do not care what language one speaks; that definition of speaking properly does not apply.

Stephen Hutchinson: I understand that point. I will put on my official report hat. Official report staff do not experience difficulty with Scots because we do not like Scots or because it is not recognised as a language. Rather, the difficulty is to do with perception. Scots can, when written, look rather more foreign than the reader would have expected when they heard it. We have received complaints when we have reported what we thought was Scots because the person who was speaking felt that they were speaking English. The idea that Scots is bad English represents a difficulty. Although most people realise that Scots is not bad English, the difficulty of that perception remains. The official report can do its bit to try to dispel that perception, but we cannot change the world.

Mr Paterson: You are being very patient with me, convener. I do not expect the official report to change the world, but it has a duty to report the words that we use if we all understand them. I made it clear that I have great difficulty in understanding written Scots, but I consider myself to be a Scots speaker. The simple reason for that applies not only in Scotland, but in other parts of the world. When a language has been oppressed, the people who retain it often forget how to write it because they have never been taught it. The language stays within families because it is passed down. That has happened to Scots. We have stopped educating people in the Scots language. That happened when we joined the English Parliament. No one has taught Scots in written form, but it would be a good idea to do so. If we start here some people might start to understand the words that they use when they are written down. I hope that you take all that on board. I am sorry to give you a hard time.

11:30

The Convener: When words such as "stushie" have been used in committee meetings, or in meetings of the Parliament, they have appeared in the *Official Report*. I am not conscious that there is

a problem with a word that is identifiably a Scottish word, whether it is stushie, which is still very much a Scottish word, or a word such as "dreich", which has been mainstreamed into the wider English language. The committee is anxious that Stephen Hutchinson should be alert to any sign that we are not fully respectful of the use of Scots expression and Scots idiom, as well as Scots vocabulary.

Mr McAveety: There are several issues. One is the anomaly that a member found in relation to being able to speak in Scots during a debate about Scots language, but not being able to lodge a question in Scots. I hope that that anomaly will be resolved.

Stephen Hutchinson: That has been resolved.

Mr McAveety: Secondly, we could have endless linguistic debates about derivation and who has the dominant use of Scots or English. That has different historic resonance, depending on the period of history that you consider. There are discussions about whether we shared a common language and whether the English spoke Scots or vice versa. There could be endless pub discussions about those points.

It should be seen as appropriate and acceptable if folk use dialect words or Scots words that are appropriate words to use in the context of the discussion or debate. In the same way, the sports pages of the papers are now full of the word "stramash" after an incident at an old firm game, because it is convenient to use that word to describe an incident that was awkward to describe.

I know that there are different views on the matter, depending on whether someone is an advocate for Scots. As someone who has taught Scots in the classroom in the English curriculum and has actively identified the use of Scots writers right through that curriculum, I am broadly sympathetic. However, we must also accept that synthetic and synthesised Scots has been developed by some of our major writers to try to create the concept that there is a common Scots language. A variety of dialects and a variety of forms of Scots language are spoken, but I do not think that there is a commonality. However, people use words when they are appropriate—I deliberately chose words today to create a response. It is not inappropriate to use such words in the proper context. That should be seen as right and proper.

It would be helpful to keep the dialogue on the matter going with, for example, some of those involved in schools who are trying to encourage indigenous Scots speakers to maintain their use of Scots. There was a period in Scottish education when Scots was being driven out of folk. Many folk have written about how Scots was discouraged

because it was seen as not being the proper way to speak. That was unacceptable and has now gone from many Scottish schools. I hope that it is not repeated in isolated examples. It might be helpful to talk to some folk who are involved in development of the curriculum about ways in which we could encourage use of Scots without going to the extremes that some advocates of Scots want, whereby everything would be translated into Scots at every opportunity. We should get the balance right. That is the measure that we should use in the discussion today.

Fiona Hyslop: I want to talk about what we are trying to achieve in this discussion, what the recommendations are on the use of languages and where the process is. The report on the use of languages other than English is obviously a prelude to a draft languages policy. If there are implications for the standing orders, that will come back to the committee automatically. I think that we are being asked to take a view on whether we want to have a continued watching brief on the issue. As some decisions are still to be made—not necessarily by this committee but by others—I recommend that we keep that watching brief. I have concerns about some aspects of the report, which might be resolved as the policy develops. I will ask about some of my concerns.

I refer to paragraph 22 of the report, about interpretation. The use of correct—and perhaps incorrect—Scots has been mentioned. That might be related to the point that Stephen Hutchinson made about how people feel when they read Scots. It is essential that Scots and Gaelic are included in the *Official Report* so that we can show people that their languages are being spoken in the Scottish Parliament. That is a practical example of use of those languages.

There would be implications for other languages if a member from an ethnic minority were elected. In relation to paragraph 22 of the paper, it would be absolutely essential that the *Official Report* contained not only an English interpretation, but the language that was used. That issue might arise if someone from an ethnic minority were elected. We need an advance signal about what will happen.

I want to ask about what happens when other languages are spoken. On European day, which was an odd example, it was flagged up in advance that a number of languages were to be used in the debate in the chamber. If a member wants to use another language, as long as that is flagged up in advance, we should make efforts to ensure that the speech appears in the *Official Report* in that language. Most members will know in advance whether they want to make a speech in another language. It would be more difficult to include spontaneous speeches.

The matter is a practical one. I know about the work load that the official report must get through to publish reports the next day but, increasingly, people use the web version. If somebody uses another language, is it reasonable to expect that, although that part might not be available in the hard copy for the next day, it should go on the web at the earliest opportunity at which it can be translated? My understanding is that the *Official Report* of a meeting is kept for alteration for a month, after which—for hundreds of years hence—it remains as the *Official Report* of the meeting. Is it practically possible to ensure that any language could be in the web version of the *Official Report* for time immemorial, even though it does not appear the day after the meeting?

Stephen Hutchinson: I think that the answer is yes. You are absolutely right that the difficulty with incorporating other languages in the overnight production is that that must be resourced. If the languages came from many different directions, that would start to become a big problem. Certainly, the CSG envisaged translations of the *Official Report* being made available. So far, that has happened only once, but there is no impediment to it. The matter is purely one of cost and time. For example, the *Official Report* of the Justice 2 Committee that is mentioned in the paper, which I think was from 6 March, was delivered last week.

Fiona Hyslop: Obviously, there are resource implications, but the issue is about what we can do, which is quite a bit. The web is a useful tool.

My other question is about motions and questions. I think that members can lodge a motion in another language as long as advance notice is given. I want to check the procedure. Can motions be lodged in other languages, or only in Scots and Gaelic?

The Convener: Latin has been used.

Stephen Hutchinson: Technically, motions must be in English, but they can have an accompanying translation. The point is that that accommodates any language.

Fiona Hyslop: So any language can be used, including, for example, Urdu.

Stephen Hutchinson: Yes. There are two points. In principle, any language can be used. The difficulty of lodging motions that are exclusively in any other language, but not in English—I have not explained that terribly well—is that we would end up with a multilingual Parliament, which is not likely to be workable in the foreseeable future because there are not many languages that all members understand. As yet, I have not been able to get to the bottom of the technical problem with non-standard scripts. I am sure that the problem is soluble, but I am not sure

in what time scale or at what cost. The obvious problem is with scripts that are written in the opposite direction from the direction in which most European languages are written. We do not even have a facility to key in Russian. Because the application that we use is Microsoft Word, inserting Russian text requires a long and tedious process of using the symbol facility to extract from a menu the Cyrillic letter that is required.

Fiona Hyslop: Is that what you did when George Reid spoke?

Stephen Hutchinson: Yes.

Fiona Hyslop: When George Reid spoke French during a debate on post offices, did you report that use of French in the *Official Report*?

Stephen Hutchinson: Yes.

Fiona Hyslop: It is obvious that there is a spectrum of choice. We can either do nothing or—as we are doing just now—very little, or we can try to translate all languages. However, there is a big spectrum and we must consider where we can fit on it. The previous evidence has made me aware that we should not necessarily presume what people from ethnic minorities want. However, we might be able to achieve a balance. Some debates might have a particular relevance for ethnic minorities. We could access racial equality councils throughout Scotland and tell them about debates in which they might be interested. We could be proactive by translating such debates in the *Official Report* into particular languages and broadcasting them. Is that feasible within the context of the draft languages policy?

Stephen Hutchinson: Yes, it is feasible. What I would like to do is discuss with such groups what they think would be most useful. I am also conscious of the paper's entirely fair point about assuming that speakers of particular languages are interested only in specific issues. We need possibly to think outside the box a little bit about the information that we provide and how we provide it. There is a horrible silence about ethnic minority languages. It is very hard to get figures and information that can be used. We have much more work to do on that front.

Fiona Hyslop: For this inquiry, we were at a public meeting in Ullapool on Friday. A strong case was made there for the Gaelic language to be used in Parliament, particularly in documents. That case arose partly from the fact that there is a Gaelic-medium school in Ullapool. People at the meeting questioned how one could encourage pupils to believe that the Parliament is their Parliament if they do not have access to basic parliamentary materials in their language.

The Convener: In fact, the point was not about access. It was understood that the people who

could speak Gaelic could also speak English. The point was about status and respect for the Gaelic language. Those people speak two languages, but all parliamentary documentation and the Parliament website is in one language only. Therefore, what is Parliament saying about one language compared with the other? I suppose that a huge resource question is involved, particularly once one starts to extend that language point from the Parliament into the Executive and to non-departmental public bodies. It might be a question of how far one can go. However, the question should be addressed and appropriate recommendations and options should be given.

Stephen Hutchinson: I will add something on that point. I said to Fiona Hyslop that there was a deafening silence regarding ethnic minority languages. The only noise that Levi Pay seems to be picking up about those languages is that if we push harder for Gaelic provision—there is no reason why we should not do so—while the ethnic minority provision is so poor, the ethnic minority voice will be unhappy. I think that we must do an awful lot more levelling up in the first instance. There is a sense almost of competition.

The Convener: I understand. Public information leaflets are currently available in English and Gaelic. It seems to be a huge anomaly that the same basic information is not available in other commonly used minority languages. The paper makes the point that Parliament could choose to accept petitions in a range of languages. Why do we not do so? Is it necessary to have a policy before somebody can write the basic petitions brief in, for example, Gujarati, and put it on the web or make it available in offices? It strikes me that we could have been more proactive in particular areas—in obvious ways—right from the beginning.

Those are separate issues. There is an assumption that the basic guts of how the Parliament works should be available in all the appropriate languages. In that case, if there is an official policy to promote Gaelic as a language that is equal in status in public policy with English, how far should we go to promote and resource that in everything that we do?

Fiona Hyslop: That is a critical point. Can I come in on that?

The Convener: Susan Deacon is very patient.

Fiona Hyslop: I am sorry, Susan. I would be concerned if the Parliament's approach to its languages policy did not recognise the current and future status of Gaelic. That is different from the issue of accessibility and from ensuring that people can access the Parliament in whatever language they require. However, I would be very worried if the Parliament treated Gaelic as an

ethnic minority language and did not recognise its status.

11:45

Stephen Hutchinson: I am sorry. I saw you jump. I am sorry if I gave the wrong message. The Parliament has not taken on a formal role of promoting Gaelic. The committee may wish to consider that.

It is clear that the two issues are different. I am keen to unravel them. We are talking about horses for courses. The Parliament may have a policy towards Gaelic or Scots that would be specific to those languages, and it may have a quite different policy towards the other languages that are spoken in Scotland. As far as I can tell, differences exist even amongst those languages. Some of them are the languages of communities that are quite well established and other languages are spoken by more recent arrivals. I am interested to try to track down the information needs of each of those groups, as their needs may vary.

Fiona Hyslop: Thank you.

Susan Deacon: The points that I want to raise flow from the last part of the discussion, in particular the points that the convener and Stephen Hutchinson made about the balance of attention and action vis-à-vis Gaelic and Scots on the one hand and, on the other hand, what I guess we are badging as ethnic minority languages. It worries me that the balance of the discussion is disproportionate. It could be argued that we have spent too long having a stushie about a stushie when a wider bundle of issues is involved.

The convener made a factual statement about how it was self-evident that the Parliament's public information should be available in other languages. However, I have to return to my normal preoccupation about finite time and resources. I would be concerned if a disproportionate amount of time, energy and resources were to be spent on considering a number of internal documents and translations of *Official Reports* and other documents of that nature.

Those issues are valid, but I would be concerned if a lot of energy, time and resources were directed towards doing that when we are barely at the starting post of ensuring that our main access points for the public—be it the home page of the Parliament's website, basic information about the Petitions Committee or whatever—are available in a range of different languages. It is crucial that those languages include Urdu, Cantonese and so on, as they are languages that are spoken widely across Scotland.

It is not an either/or situation. I do not want to juxtapose the two issues, but I suggest that we try

to get the balance right. We have made good progress on Gaelic. The issues around Scots are different, partly because of the status issue, about which we could have a very long discussion. Progress has been made in that respect, but our progress on the other languages that are spoken in Scotland is pretty poor and the Parliament has a real job to do to catch up.

The issue involves relative priorities. I would like a high priority to be given to the access points for the public. That would ensure that as many people as possible across Scotland can enter through those first points of access. It is important that we take those steps as a matter of urgency, particularly as we are still an all-white Parliament.

I will stop there, as I am repeating the same point, although I hope that you will take that point on board. I am not saying that you should not attend to the issues that members have spoken about today. However, I ask that we strike the right balance and ensure that we are not overly inward looking but that we turn outwards and think about all the groups that we need to reach out to.

Donald Gorrie: I was holding back because I expected questions to be asked, but there has been a lot of discussion.

The most intelligent point in the paper is that we should talk to groups that can speak authoritatively for the various ethnic minority groups to find out what they want. We should be reactive. It would be a gross waste of resources if we were to devote a lot of energy to putting in place a policy to ensure that an MSP who could not speak English was okay. The chances of that happening are as near nil as makes no odds.

There are far more white Scots who cannot read than there are ethnic minority Scots. I am in the middle of a series of visits to jails and that fact is bearing down on me. I am not arguing that we should neglect one group, but we must keep things in proportion. We should set up a group that is representative of ethnic minorities and find out what would be helpful. If people make a reasonable demand for a translation of a specific document or speech, we should respond to it. Just as local authorities do, we could supply basic documents in a number of relevant languages. However, it is stupid to spend a huge amount of resources on producing policies for reasons of political correctness when those policies will get little use.

The Convener: I do not think that anyone has suggested that we should put in a huge amount of resources, Donald. However, Shona Simon suggested that we should be clear about what we could do in the event that someone who was elected to the Parliament was more comfortable speaking Gujarati or Hindi than English. It would

not be unrealistic for that situation to develop and it would be helpful if we were to make clear what we could do and what should be done in certain circumstances. Otherwise, we would be saying to ethnic minorities that they were entitled to send to the Parliament only people who were very fluent in English. You might expect that that would be the case frequently, ordinarily or even overwhelmingly, but you are not entitled to say that it must be the case.

Donald Gorrie: I took it that we were to spend a lot of time and energy on the putative, non-English speaking MSP. I am against that approach. If people want to have a contingency plan that would come into play if a non-English speaking MSP were elected, that would be fine. The issue of resources is fundamental. The paper says that translating one document would cost £2,000 or £3,000. The sort of actions that we are discussing could cost hundreds of thousands of pounds that could be better spent in other ways.

Mr Paterson: As Susan Deacon said, we must recognise the distinct difference between ethnic minority languages that have not been discriminated against and two other languages that come to mind—I almost walked into the trap that I have been writing about.

The first example is that of the Kurdish language. The language of people in Kurdistan has been subjugated—the pressure on Kurdish is enormous—and, in Scotland, there are children who do not recognise or want to learn their own language because of the political pressure that has been put on them. It would be good if we could look at that problem.

The second language is Gaelic, which has been under immense pressure from Government. For example, children had sticks put around their necks and were beaten if they spoke Gaelic. My grandmother told me that Gaelic was a tinkers' language and that people in Glasgow did not dare to speak it. That type of treatment of a language still echoes in society. Millions and billions of pounds were spent to undermine that language. It would not be a bad thing to spend a wee bit on redressing that.

The Convener: We have identified that there has to be a discussion and decisions about the extent to which Gaelic can be supported or promoted. We have seen that Gaelic is different from an ethnic language that has arrived in our country where the issue is allowing people to become involved in mainstream society. What we do about Gaelic is a bigger thing than something for the committee. The views that we have expressed can be part of the wider debate.

Susan Deacon: I have two brief points to table while they are still in my head. One is to pick up on

something that Shona Simon said earlier, although I am sure that those who are dealing with the issue will be thinking of practical ways that translation and interpretation services can piggyback on existing services. Shona made some interesting points about the City of Edinburgh Council and the Crown Office and Procurator Fiscal Service having done a lot of work on that. That is a practical thing. Let us not reinvent it if we do not need to.

I hope my other point is not too tangential. I am thinking again of the big picture of Parliament talking to the world. It is a wee bit disappointing when you go on to the Parliament website and there is no European dimension there in the way that there is increasingly on a lot of organisations' websites and other forms of communication. I am thinking about French, German and Spanish.

I am not suggesting that we want a massive translation. I am just talking about four or five pages of basic information. There is a huge amount of international interest in what the Parliament does. To see even a fairly minimal level of information available in a range of international languages would be a good thing for those wider reasons. I do not know if that is germane to the current exercise.

The Convener: So long as any information that we provide in that way is mediated through a native language speaker and we do not produce the equivalent of many of the tourist information leaflets and brochures that we see abroad. They have been written by someone who is not fluent in our language and we laugh at the solecisms. If we are going to do that, let us do it with proper expertise and respect.

Fiona Hyslop: It is interesting that there is a tourist information point on the corner of the street outside where people can get access to information about the Parliament in different languages, but when we attract people to the Parliament, they might not be able to access that information through the website.

Stephen Hutchinson: There are fact files in European languages that are aimed specifically at visitors to the Parliament.

Fiona Hyslop: So the issue is about finding them and advertising them.

The Convener: Are they on the web?

Stephen Hutchinson: No, they are in hard copy, as far as I know.

Fiona Hyslop: If you take anything from this discussion, it is the conclusion, which mentions the

"distinction drawn between participation by members in the proceedings of the Parliament ..."

which the committee deals with—the *Official Report*, lodging questions, the mechanics and internal focus—and

“the Parliament’s interaction with the public.”

In this and the previous meeting of the committee, perhaps the committee is looking at more than just the internal workings of the Parliament. The issue is more to do with how the Parliament engages in civic participation and how languages and other issues allow equality of opportunity than it has to do with procedures and standing orders of the Parliament. The emphasis is on how the Parliament interacts with the public, full stop, and its languages and accessibility. That is the point we gained from our inquiry.

Perhaps we have to go back to the development of the draft languages policy and to the correct group in the corporate body and say that the emphasis should not be only on the languages but on the Parliament’s civic participation strategy and how it allows interaction with the public in whatever language and whatever form they want.

The Convener: It is equal opportunities time, David.

Professor McCrone: I hate to sound like an academic, but I will have to. The problem is the use of the word “English”. It is now recognised, at least in the trade, that there is no form of standard English; there is American English, Scots English, Australian English and so on. There is no solution to the problem because English is deemed to be too many different things. However, it is clear from idiom, grammar and syntax, never mind vocabulary, that Scots English is being used.

I am not suggesting that we should convert all references to “English” to “Scots English”. I am sure that a very different idiom of English is used in the Australian equivalent of the *Official Report*, but it would still be called English. We simply have to do that. As for symbolism, I share Gil Paterson’s view about the importance of Scots, which is actually Scots English. There we go—the lesson is over.

12:00

The Convener: That was Professor McCrone’s bawbee’s worth.

Fiona Hyslop: I look forward to reading that in the *Official Report*.

Mr Macintosh: I very much welcome the steps that have been taken and the development of a language policy. The matter does have implications for resources. For example, the expectations that have been placed on the Gaelic officer far exceed his ability to carry them out, and we need to put more resources and staff into that

area if the Parliament is to be serious about its commitment to Gaelic.

Obviously, the SPCB will address those issues, but the question is whether we have committed ourselves to Gaelic or whether we have simply made a token gesture in that direction. We have to think through what we expect the Gaelic officer to deliver, because he or she cannot single-handedly emulate every service that the Parliament offers. It is unrealistic to think that they could do so.

The Convener: I thank the witnesses and hope that our comments help them. We look forward to further developments in the policy. As Fiona Hyslop put it, we will maintain a watching brief on the matter.

Local Government Covenant

The Convener: The third item on the agenda is the covenant between local government and the Scottish Parliament. No one is going to pitch the paper to us, as it is primarily for information and discussion. If members wish, we can convey our views on the paper or on cognate matters to the Local Government Committee. Such a covenant was envisaged when the Parliament was first established; it has now arrived on our agenda and we are entitled either to approve it or to suggest something different.

Donald Gorrie: I was a member of the Local Government Committee when the covenant began its tortuous route. However, it has developed a good deal since then.

The covenant sees—if I have read it correctly—the Local Government Committee as the contact between local government and the Parliament. Although that contact is important, other committees such as the Education, Culture and Sport Committee, the Transport and the Environment Committee and the Social Justice Committee also have a lot of dealings with local government. Either those committees make visits to local government, or local government visits the committees. That important point needs more recognition.

We must also address the technical issue of the three councils that have opted out of the Convention of Scottish Local Authorities. It could be argued, “Well, that’s tough,” but the councils could be represented if necessary.

The Convener: I did not think that the covenant contained any threats to the involvement of other committees. However, if there is any such dubiety, we should make it clear that other committees regularly consider local government activity and services—or perhaps we should say public services that are delivered or mediated through local government. It is perfectly appropriate for all committees, including this one, to relate to local government. For example, I can envisage the committee promoting some of the CSG principles to and through local government. There should be no suggestion that there is any limitation on the involvement of other committees.

I do not think that we are entitled to say that local councils must be members of COSLA, although it is convenient for us if they are. We have to acknowledge that there must be some way of reflecting the views of councils that are not COSLA members. Even in the preparation of our work, there has been an issue about whether we should deal with individual councils or with COSLA. We are squaring the circle by talking to

COSLA but also dealing with councils that have had points to make themselves. The Parliament must recognise COSLA and individual councils.

Mr Paterson: There are four bullet points in paragraph 18 of the covenant. Although no procedures are involved, I wonder why the second bullet point seeks

“observer status for COSLA at meetings of the Local Government Committee”.

In effect, anyone has that status, because individual members of the public can go along to committee meetings. I do not know whether that reference in the covenant just means offering a parliamentary invitation to COSLA to come along to meetings. However, it is meaningless in the context of committee work.

The Convener: I wonder whether it is the Local Government Committee equivalent of ethnic minority representation on the Equal Opportunities Committee. There might be times when the Local Government Committee would like to have someone from local government to advise committee members or to give them information. I do not know whether that is the intention.

Mr Paterson: Definitions are the issue. There is a difference if someone is involved in committee work.

The Convener: I know, but given that no one can be involved with committee work in that way, the nearest equivalent might be to invite an observer. I do not know whether the intention is that the observer would be invited to give advice to the committee in the same way as an adviser does. If that is not the intention, the bullet point is platitudinous—if COSLA wants someone to go to a committee meeting, that person can go. For all I know, COSLA does that. It is for the Local Government Committee to tighten that matter up, if it feels that that is appropriate. It does not cause me great concern.

Mr Paterson: There is no procedural issue. Why does the committee not afford observer status to a teacher, for example?

The Convener: When we respond by letter, we can ask politely what is meant by “observer status”.

Fiona Hyslop: We have been asked to consider the covenant from a procedures point of view. Committee conveners will consider it from the point of view of education or transport, for example. Our duty is to examine the paper in the context of the standing orders and the status of the Parliament, to analyse the practical impact of the proposals and to outline the choices to committee conveners.

Politically, I support the covenant, but my

concern is that we are the only people who are—and should be—examining the issue from a housekeeping and caretaking point of view. I look at the clerks when I make that point, because I do not know what work has been done on the consequences of implementing the covenant as it stands. There may be no procedural impact; the only impact may be on the Parliament and the Executive in relation to policy matters. If there is no procedural impact and the issue is just political, I am not sure why we have to consider the covenant.

The Convener: That is a fair point and the issue may merit some analysis from that point of view. I throw into the ether the complaint—or at least the pointed comment—that was made at our public meeting in Hawick by the only Borders councillor who came to the meeting. He was critical of the principle of the Parliament's Education, Culture and Sport Committee inquiring into Scottish Borders Council's education service. I do not remember whether he used the word "patronising", but he gave the impression that the Scottish Borders Council's view was that what the Parliament had done was not appropriate.

The covenant seems to talk about equal respect, but what does that mean? Does it mean that we should not investigate local authorities or does it mean that, if a local authority does not like something that we are doing, it is entitled to investigate us or to take evidence from us? I do not know what the practicalities would be. Perhaps that is part of the issue that Fiona Hyslop raised.

Susan Deacon: Those points are important. I agree with Fiona Hyslop. Two levels of reality testing need to be employed. One is technical. It is to cross-check the covenant against the Parliament's standing orders, if that has not already been done. The other concerns the convener's point about asking what the covenant means in practical terms. Rather than commenting on it in any detail at this stage, perhaps we would be better putting down a marker to note that any observations and recommendations that flow from our CSG inquiry, which could have a bearing on the operationalis—

The Convener: "Operationalisation"—it is a Scottish expression.

Susan Deacon: I thank the convener—operationalisation. Our observations could, in turn, have a bearing on how the covenant is translated into practice. By necessity, that will have to come later. I am not sure about the stages in the process and what has to reach the finishing post first, but we could indicate that some of the evidence that we have taken and some of the issues that we are considering are relevant to the question of the Parliament's relationship with local government. In due course, we may form certain

views on that. Given the level at which the document is pitched, some of its aims and aspirations could be expanded.

John Patterson (Clerk): The covering letter mentions that the covenant has been approved by the Parliament's legal office, although it is not absolutely clear what is meant by that. One assumes that the Local Government Committee and the Parliament's lawyers undertook that check on a bilateral basis along the lines that were set out by Fiona Hyslop. We will check that.

Fiona Hyslop: The covering letter sets out the Local Government Committee's hope that the covenant will become

"a topic for committee business"

and the subject of a motion in the Parliament. Do we know when that will happen? With my business manager's hat on, I understand that the business managers hope to find a local government slot after committee business on the finance report, so I do not expect that the motion will be lodged immediately. It would be helpful to find out the time scale, as that would allow us to fit in any work that we have to undertake before the motion is lodged in the Parliament.

John Patterson: We can do that.

The Convener: Fair point.

Professor McCrone: Recently, I have been reading a lot of material on the subject. I refer to the points that were made by Donald Gorrie and the convener. If the line from the Local Government Committee were that it would consider the matter but not take it further, that would be interesting. That would take us to the issue of whether the Local Government Committee is the lead committee on the subject. If the Local Government Committee says that it does not recommend something, does that mean that the subject is dead? The Procedures Committee or another committee might think, "Hey! That is a good idea. It might be worth considering." If that happened, would that mean that those committees could get around the Local Government Committee? Issues have been raised on the ownership of ideas and whether an idea has to go through a particular channel.

Donald Gorrie: On the practical implications for the Procedures Committee, paragraph 16 states:

"There will be opportunities for local government to bring to the Parliament's notice matters on which local government wishes to see legislation introduced or existing legislation amended."

At the moment, the Parliament is in the middle of considering the Freedom of Information (Scotland) Bill, which affects local government. Executive ministers and other members lodged amendments on Friday and yet we are to vote on the bill

tomorrow. Some of the amendments will seriously affect local government, so local authorities should have an opportunity to make an input. The covenant supplements other evidence that we have received that the later stages of bills happen far too quickly.

The Convener: The statement in paragraph 16 reads to me as though local government wants to say, "Hey! We would like the Parliament to pass a bill on special educational needs," or, "Hey! We would like the Parliament to amend the existing law on the disposal of waste." It does not appear to me to be a bid for better opportunities to influence legislation that is already going through the Parliament. Perhaps that is something that local government should have asked for and that we ought to have conceded. Perhaps we should suggest that time scales for handling bills should afford local government an opportunity to make an input to the stage 2 process.

Fiona Hyslop: We have received evidence about that, so it might be remiss not to respond to it.

The Convener: If the time scale for approving the covenant is fairly relaxed—there is no reason why it should not be, given that the covenant has been discussed for a considerable time—that would afford us the opportunity of feeding back issues that we have identified for comment. I do not know whether the intention is to adopt the covenant as it is, or whether the covenant is open to amendment. We might be able to tease that out.

Donald Gorrie: Stage 3 is involved, as well as stage 2.

The Convener: You are quite right. That is true.

Mr Paterson: The date 5 October 2002 is given on the bottom of the document. That must be a misprint. It is a case of going back to the future.

The Convener: You are talking about your TARDIS again. The last time that the TARDIS was mentioned, it got us in all the diary columns.

Mr Paterson: I was not responsible for mentioning the TARDIS.

The Convener: Yes you were.

Mr Paterson: Was I?

The Convener: You were. You should ask Stephen Hutchinson. Official report staff had it up on the wall of their office when the official report was based at Parliamentary Headquarters. That is how long ago it was. That was the most epic thing that had ever happened.

Mr Paterson: My God. I am getting older than I think.

The Convener: It was all Mike Russell's fault—

we can probably all agree on that.

Fiona Hyslop: The correct date must be 2001.

The Convener: Are there any other points? In that case, I thank members very much for their attendance.

Meeting closed at 12:16.

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