

PROCEDURES COMMITTEE

Tuesday 12 November 2002
(*Morning*)

Session 1

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PROCEDURES COMMITTEE

14th 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)

*Paul Martin (Glasgow Springburn) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Phil Gallie (South of Scotland) (Con)

Trish Godman (West Renfrewshire) (Lab)

Richard Lochhead (North-East Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting)

Professor David McCrone (Adviser)

CLERK TO THE COMMITTEE

John Patterson

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 12 November 2002

(Morning)

[THE CONVENER *opened the meeting at 09:34*]

Parliamentary Questions (Recess)

The Convener (Mr Murray Tosh): We are slightly late in starting, but we are quorate now. We have a deceptively short agenda this morning. I propose to take item 2 first, because the question that will be answered in that item will affect the final wording of the report that is the subject of item 1. That approach is more logical.

The item of substance in the committee papers is appendix B, which is a paper from Hugh Flinn further to our discussion at the previous meeting. It ought to have been tagged with a little blue sticky thing marked with a "B". The other papers represent the background papers and the papers that were previously circulated, including the *Official Report* of the discussion. I ask Hugh Flinn of the chamber desk to take us through his brief report, which addresses the specific suggestion made at the previous meeting that we settle for having an intermediate period for answering questions that are lodged at the end of the recess.

Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting): The report is a response to the suggestion that we move to a 21-day period for answering questions that are lodged in the last week of the recess. The difficulty with such a proposal relates entirely to the manageability of the volume of answers that we would receive in the third week after recess under that system. As paragraph 6 of the report points out, we would have to deal with three weeks' worth of answers in one week, which would make things difficult for the chamber desk in the Parliament and for the Executive's parliamentary clerk's office. We could easily receive 200 or more answers in a day and I doubt whether we could deal with them in time to ensure that they were on the Parliament's website by the end of the afternoon.

The Convener: I should point out to members that the middle column of the table in appendix B of the report highlights this summer's actual performance, while the right-hand column demonstrates that under the proposal an additional number of questions and more than 100

additional answers would have been bunched into 18 and 19 September. The table shows the flow of questions and answers during the recess, based on the assumption that 2002 was a typical year.

As Fiona Hyslop made the suggestion, I seek her views on the response to it.

Fiona Hyslop (Lothians) (SNP): I wanted to think about how we could stagger the process of lodging parliamentary questions over the summer and into the recess and whether we should have a transitional week at the end of the recess. The aim is to ensure that members are given as much opportunity as possible to call the Executive to account and to get timely answers to the political and constituency issues that they are pursuing.

However, if such a suggestion is likely to be counterproductive and means that members will receive holding answers, it would make more sense to have a system that allows MSPs to receive timely answers; does not cause any logistical problems in the third week after the recess, which the table quite clearly shows would happen; and ensures that the Executive has the time to give substantive instead of holding replies. If the trade-off is that we have more chance of receiving substantive replies, I am quite happy to retain last summer's approach and not reduce the 28-day period to 21 days.

The Convener: I think that that is the sensible conclusion. If we are all happy with that, the decision will be that we leave the 28 days option, which will become the 20 counting days option, for the last week of recesses of more than four days. I am sure that that is clear to Hugh Flinn, if nobody else.

Donald Gorrie (Central Scotland) (LD): At some stage, will we discuss the content of answers?

The Convener: Yes, the report does not relate to the content of answers, but that is on our continuing agenda. Indeed, I will have correspondence for members—perhaps even this week—about progress on that matter.

Standing Orders

The Convener: We return to item 1 on the agenda, which is the draft report on changes to standing orders. We agreed it at the previous meeting, and I do not think that it needs to be changed further in the light of the decision that we have just taken. Does Hugh Flinn want to say anything about the report?

Hugh Flinn: Not really, convener. The ground was covered at the meeting a fortnight ago.

The Convener: Members will have had the opportunity to read the report and to check it against the *Official Report* and their memory of the previous discussion. If members have no questions or issues on the substantive changes proposed to standing orders, I have one suggestion to make myself. I will then ask whether we are content with the draft report.

The report contains a letter to me from the Minister for Parliamentary Business. It includes various annexes, which are the subject of continuing correspondence between the minister's office and me. As I regard those as unfinished business, I do not propose to circulate the correspondence with the report. The letter addresses issues in the report, but the annexe relates to other matters that were contained in the letter, and it is not essential or particularly logical that the annexe should be contained in the report. It does not relate to the substance of the report, so I propose to omit it from the finalised report.

Do we agree the report, with that amendment?

Members *indicated agreement.*

Consultative Steering Group Report

The Convener: Item 3 on the agenda is the consultative steering group report. Members should have a draft of the part of the report that deals with the introduction and first and second principles, which was e-mailed late yesterday afternoon and placed on your desks this morning in a brown folder. We have some spare copies. In addition, there are two further papers, although members should have to bother with only one.

Donald Gorrie has sent in a paper, which we will pass round to everybody for next week. The clerks and I have had a quick look at it and we think that all the points that it raises relate to the third and fourth principles, so we do not need to discuss it today. I am simply letting the committee know about that.

Committee members should have received an e-mail at 1.26 this morning from Ken Macintosh. I am sure that he must have a device on his computer that allows it to send out e-mails in the middle of the night to sustain the illusion that he is still hard at work. The e-mail contains several points, which Ken Macintosh cannot discuss today because we have his apologies. I do not intend to run the CSG discussions as if we were dealing with a bill so that once we have agreed a section, we cannot go back to it. Therefore I consider Ken Macintosh's points all to be still on the table.

Ken Macintosh has not made specific or concrete suggestions, so we cannot incorporate anything that he has suggested into the report today, but we can reasonably discuss that with him at a subsequent meeting. I am not trying to sweep his points aside. I got them only this morning and have not assimilated them, but there is nothing in them that we can regard as a proposal as such. Committee members might have the e-mail, but we will put it aside for now and come back to it. That is my guarantee to anybody who wants to come back after today's discussion with further points about the sections of the report that we will discuss today.

09:45

Committee members received a paper from me this morning. It contains a series of proposed changes to the clerk's report. John Patterson, the clerk, has taken the wee e-mail message off the top, which simply said, "I'm very sorry. This is as early as I could do it." The message was timed 9.46 yesterday evening. I did not work on the paper quite as late as Ken Macintosh did on his, but it was quite late yesterday before I finished it and so it was not possible to produce a paper copy until this morning.

I envisage us now working with two papers. One is John Patterson's draft report—the summary of the points that were made in evidence—which contains no recommendations and no substantive conclusions. It contains a number of opinions, but nothing with which anyone will be particularly unhappy. The other is a paper from me on the draft report. I propose to discuss and explain that paper this morning.

As I have said, I do not regard the paper's contents as the finalisation of the first sections of the report. They are simply my suggestions. I do not suggest for a moment that committee members will not want to put in more ideas later, and I am quite happy to respond to and accept further submissions from members later. It is also self-evident that John Patterson needs to have a wee bit of discretion to continue to adjust the text as the committee reads through it and suggests minor amendments and clarifications, as some of Ken Macintosh's points were.

I will start with my points about the report's introduction, which start on page 1 and run on to page 2 of my paper. The introduction is essentially an attempt to put the report in context. It covers the consultative steering group principles, which are in paragraph 2 of the report; the Parliament's adoption of the principles; Sir David Steel's comments on the principles, which are in paragraph 6; and the remit of the inquiry, which is set out in paragraph 7. There then follows a statement of what we did, the evidence that we took and what we intend to do with that evidence.

I propose that we put the four bullet points in paragraph 2 in bold type because they are the four CSG principles and they should be highlighted. I also suggest that the remit of the inquiry, which is the quotation in paragraph 7, be put in bold type, again simply to highlight it. Those are obviously not substantive conclusions; they are simply statements of what the committee did.

Donald Gorrie: The original paper that we were sent had the bits that you mentioned in bold type, but the more recent paper does not. When we are considering your amendments, what paper are we working from? Is it the first one that we were sent or the more recent one?

The Convener: The response that we received to the first draft, which was circulated to committee members, was that the committee did not wish tentative conclusions or highlighting in the report because the committee wanted to go through the report and make its own recommendations and suggestions.

Donald Gorrie: So we are working off the more recent version.

The Convener: Yes. The version that we are using is the amended version. It is a draft report,

but it is amended from the one that members had previously in that it has been changed to take out the conclusions that John Patterson had originally suggested and also to take the bold type away.

I said to the committee that I would spend some time at the weekend—in fact it took the best part of three days—going through the report and that I would suggest to the committee in the paper that I submitted this morning where we might put text in bold type and where we might insert conclusions. It took me that long because the work involved not simply resubmitting John Patterson's conclusions. John's summary of conclusions contained a number of opinions, as well as recommendations. I am making specific recommendations that are numbered and flagged up as such.

I have made a combination of proposals. First, I suggest that we highlight text in the report. Secondly, I suggest that we add paragraphs that would, in effect, be conclusions. I am sorry for pressuring members, but I know of no other way of having these changes implemented in the time that is available to us. Decisions that we make need not be final or definitive.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I appreciate the point that you are making, but a number of papers were received shortly before the meeting—when some members were not at their best—and after we arrived. Is it possible—or desirable—for us to spend five or 10 minutes considering the papers, before we get into the meat of the discussion?

The Convener: I am relaxed about doing that. I have tried to cover the issue that Susan Deacon has raised by suggesting that we do not need to make definitive decisions. However, if members want to look through the papers before we proceed, I am happy to suspend the meeting for 10 minutes.

Fiona Hyslop: That would be helpful.

09:51

Meeting suspended.

10:07

On resuming—

The Convener: For the record, and for the sake of anyone who is following our proceedings this morning, I make it clear that the meeting was suspended for 20 minutes. We have not been meeting in private; we have simply had a timeout to allow members to read a paper that was produced this morning. Because this is a public meeting of the committee, we have distributed copies of that paper to the members of the public who are present.

We are discussing the draft report of our inquiry into the implementation of the CSG principles. We are currently considering the introduction. The purpose of our discussion is to agree a working draft of the report that can form the basis for the final report.

I suggest that the report would benefit from having the four principles of the CSG report appear in bold type in paragraph 2 of the introduction. It would be appropriate for the remit of our inquiry, which is set out in paragraph 7, also to appear in bold. I do not propose any other changes to that section.

The next section summarises the work that was done. I do not propose to change or to highlight in bold any of the text in that section.

The following section, which outlines the structure of the paper, is essentially prefatory and contains nothing that needs to be highlighted.

The section on structure is followed by a section on perspectives, which analyses some of the principal strands of the evidence that we received. We have identified four broad themes that people put to us, and I propose that we identify them in bold text. The first is in paragraph 22, which mentions the appetite, which we discovered in all the people who gave evidence to us, to engage with the committee and to participate in committee work, in civic society and in the life and work of the Parliament. I thought that that important point should be placed on the record.

There was also a lot of discussion during our evidence-taking sessions about the important role that the media plays in informing people about the work of the Parliament and in conveying the flavour of the Parliament. That is the second theme, which I propose to put in bold text in paragraph 25.

Similarly, I propose to put paragraph 27 in bold text, because another recurring theme was that people recognised that the Parliament had been innovative in all sorts of ways—in its strict procedures and standing orders, obviously, but also in its consultation methods and its use of technology. That paragraph also reflects on the intense interest, of which all members will be aware, from academics, from the media and from parliamentarians throughout the world, in what we are doing. We are seen as a considerable experiment in democratic renewal, if that does not sound too pompous. I thought that that important theme should also be placed in bold type.

The same is true of the fourth theme, which is mentioned in paragraph 29. However, before we get to that, I want to insert a specific recommendation after paragraph 28: the Scottish Parliament should continue to ensure that it is at the forefront of sound and innovative procedural

initiatives and it should continue to take ideas from, as well as contribute ideas to, other assemblies and parliaments. I would like us to adopt that statement of intent that what we do anyway we will continue to do.

The fourth theme is in paragraph 29, and I propose to put it in bold text as well. It refers to civic society and new politics, which we have not heard a huge amount about lately but which were talked about a lot at the outset. That is a statement about how the Parliament intends to work: it will form partnerships with the people, the Government and the groups, individuals and institutions that make up civic society. Our whole purpose is to work with the grain and in a positive and, to a degree, a consensual way. That is part of our ethos and should be put in bold type.

Are there any comments? Are members happy with that?

Fiona Hyslop: Your main point about emphasising the different perspectives is important, but we must be realistic about what we are doing and our tone must reflect that throughout the report. We have not seen our job in this inquiry as being the defenders of the Parliament; our job is to be the developers of the Parliament. We should be able to identify the successes of the Parliament, but it might be helpful if we were to prepare ourselves to be reasonably critical in our commentary as well as make recommendations.

I note that you want to add your recommendation about continuing to ensure that we are at the forefront of sound and innovative procedural initiatives. That is certainly an important point, but we must be careful that we do not take an over-congratulatory tone in our report. The world outside had great expectations of the Parliament that have not necessarily been realised. Throughout our report, we should be prepared not to be too defensive.

The Convener: We will get more of the flavour of our tone when we have finished the whole report. At the beginning, it is appropriate to set out our stall, but there is a lot of meat in the report. Next week, we will come to power sharing, which will be the last piece of text in the final set of recommendations. There is likely to be a lot in that section that will indicate a desire to develop and move forward. When we are able to see the whole report in the round, I hope that we will get a degree of balance.

Fiona Hyslop: We should come back to the introduction and the stall-setting once we have gone through everything else.

The Convener: I envisage that, once we have gone through the report, members will want to go right back to the beginning and look at it in the

round to discuss matters such as the one that Ken Macintosh raised about the perspectives, or other matters that members will raise as a result of our discussions.

10:15

Susan Deacon: I welcome the assurance and clarification that you have given. I realise that, by its nature, this will be an iterative process. However, I strongly concur with the points that Fiona Hyslop made. Tone is difficult to capture but we need to switch the dial, throughout the report, to a setting that will read in a more self-critical way, but constructively so.

It is enormously encouraging that every witness statement and submission showed that people remain strongly supportive of the Parliament as an institution and of much of what it has done. I recall that when Frank McAveety was a member of the committee, he routinely asked witnesses about that. It was striking that many who had previously been detractors of devolution were positive about what has been done. However, that does not negate the fact that we must address people's concerns. We must be, and be seen to be, capable of assessing ourselves in a constructively critical manner. The tone and substance of the report should reflect that.

I have some comments about the early section, but I do not know whether you want to hear them just now or to make progress.

The Convener: We wanted this to be a public exercise. It was not realistic for us to come out with the entire report slapped down in tablets of stone. We need to find a way in which we can create a report in public while continuing to discuss issues such as tone and the report as a whole. We also need to provide something against which members can set their own proposals. If someone comes up with an important recommendation, they have to be able to say something like, "I would like to put the following text in after paragraph 296." We cannot do that unless we have a basis on which to work. However, that basis must include a sense of where we are going and of what the recommendations will be.

At this meeting and our next two meetings, we will build the report up from an evidence-based summary document into one that contains highlighted text, substantive opinions and recommendations. When we have done that, we will have a document that is a draft report in the sense that we understand it from normal committee work that we will then be able to address as an entire body of work. That two-stage process is necessary because we have chosen to be entirely open about our approach to working

the report up and because we want to ensure that the report is genuinely the work of the committee, which will enable us to have an appropriate sense of ownership.

It would be better to work through what I propose to include in the report and broadly agree on whether that will result in a working document before we allow other people to reflect on what we have agreed on an interim basis and before we reach the stage of making final points, additional points or points of disagreement in the final sessions.

Fiona Hyslop: In that spirit, I would like to talk about your suggestion to insert a new paragraph after paragraph 31.

The Convener: I have not come to that paragraph yet. I wanted to test first of all whether everyone is happy with that approach and with what I have suggested so far. Again I stress that we are forming a working document.

Susan Deacon: I am generally happy, but it might be helpful if those of us who have some broad-brush comments to make about the earlier sections could log them now. I am in your hands as to whether those matters are discussed further at this stage.

The Convener: I am quite happy for members to make comments that we will examine on the way through. It would be difficult if people were to come up with verbal suggestions about further changes. That would be better kept until the later stages when we are looking at the working document. I do not know that anyone will necessarily suggest changes such as taking out paragraph 6 or moving paragraph 17 to after paragraph 83. Such changes might be appropriate at a later stage.

Susan Deacon: I will live dangerously and test the process rather than speak in the abstract.

There are two or three areas early on in which I would like to see a considerable shift of emphasis and in which I believe that big points that were mentioned in our earlier discussions or evidence have not been captured. For example, although it is included in the report, the point about the implementation of policy has been buried. There is a lot of talk about consultation, culture and so on, but a recurrent theme of evidence—it is a view that I know a number of committee members share—is that there needs to be a quantum shift in our operations towards being much more focused on the implementation of our decisions and not only on the development of ideas leading up to legislation. I am more than happy to suggest a form of words, but for now I note the wider point.

The second big shift of emphasis that I would like to see—the point is in the report but it is not

shouted out in the way that it ought to be—concerns the fact that at the outset of the report much of the commentary on the views of others of the Parliament is inward looking. The report says a lot about those who have engaged with the Parliament but does not place enough emphasis on the wider public's experience of the Parliament. I agree that we cannot amend the detailed wording of the report by committee. I have noted alternative wording in a number of paragraphs that would change that emphasis. We have not got the balance correct.

I know that there will be opportunities to talk about consultation in greater detail. I was about to refer to paragraph 31, but I am conscious of the fact that you said to Fiona Hyslop that we have not got there so I shall restrain myself.

I will now go back to the beginning of the report. I have a relatively small point about the wording, but it is perhaps a substantive one in respect of our thinking. Paragraph 8 goes right back to first principles—the principles of the CSG inquiry. It states:

"This inquiry does not therefore extend beyond the Parliament. Neither does it propose to examine whether the principles the Parliament has endorsed are flawless. Nevertheless, no-one has seriously challenged these principles in evidence to this Committee."

I am not sure what is meant by the phrase

"This inquiry does not therefore extend beyond the Parliament."

What is important is the statement in paragraph 10 that we will make recommendations across a range of the arms of governance of Scotland. We must be clear up front as to whether we are making substantive comment about the appropriateness of the CSG principles.

The phrase

"whether the principles the Parliament has endorsed are flawless"

seems odd. I do not want to get into semantics, but we will have to be crystal clear about this: either we have accepted the CSG principles and have tested the world against them—and that is it—or we will, at some stage, comment on the CSG principles themselves. I would be happy for us to return to that matter at a later stage, however.

The Convener: I think that we can really do that only at the end of the process. The committee began with the remit of ascertaining whether the principles that have been adopted by the Parliament—internally and in its dealings with the various agencies, bodies and institutions with which it reacts—has lived up to the principles that the CSG set out. Therefore, it was not appropriate to challenge those principles.

Clearly, however, at the end of the process, once we have considered the whole matter in the round, we will want to lay down markers for what we see as the next phase of a piece of work that is the permanent responsibility of the committee: considering whether we are doing what we should be doing.

Members' comments have been helpful. I was going to stop Fiona Hyslop on paragraph 31 of the discussion paper. I was going to suggest, first, that we should highlight the text in paragraph 30. It came through that, in their engagement with us, people often felt pressured during the consultation period. I thought it worth strengthening that point. It is developed in paragraph 31, and it is there where I wanted to add the recommendation that we all need to think about the resources that are at everybody's disposal. The paragraph that I suggest we insert after paragraph 31 reads:

"We consider that the structure of Parliamentary governance needs to reflect a respect for the relative resources of the partners. We recommend that, when consulting, the large bodies"—

which I suggest means the Executive and the Parliament—

"must take into account resource limitations on modestly resourced consultees and work to devise a range of effective ways of engaging with them with that disparity of scale in mind."

That would address the concerns of all the organisations that told us, "We did not have the time." We want to tell the Executive that it must ensure that its consultation gives people time to consult their respective constituencies and interests. As a Parliament, we have to think about how we do that too. There is no point in telling the Executive that it has to give people, say, 12 weeks to respond to consultation, if we give people only four weeks. There is a challenge to us all to reflect and respect the disparity between what we can put together quickly and what other organisations have at their disposal.

Paul Martin (Glasgow Springburn) (Lab): The manner in which evidence can be provided has been raised on a number of occasions. I appreciate that there will be resource implications in this respect, but we tend to expect organisations to submit their own responses in writing. I see no reason why, in this day and age, we cannot use a voice bank or something like that, to which organisations could verbally submit their views.

I have found from local experience that verbal comments, by telephone or otherwise, are very helpful. We seem to want to go with the traditional lines of communication. It is supposed that everyone will have access to e-mail and will want to take the time to send a 10-page response. There is no reason why the Parliament could not set up some

kind of telephone bank, to which people could submit their verbal contributions—in the same way that we do during committee proceedings, which are recorded in the *Official Report*.

I welcome our input in this regard. There should be more emphasis on the use of various formats of response to consultation, which would mean that we could meet some of the deadlines that are set while allowing organisations without the necessary resources to enter into full correspondence in their responses.

The Convener: Those were all very fair points.

Donald Gorrie: Your recommendation is a good one, convener, but I would like the wording altered to take account of—

The Convener: If you wish to change the wording, could you do so later?

Donald Gorrie: Okay—but it is about the concept. Those organisations that have to consult their own members take a long time to respond to consultation. Organisations such as the Convention of Scottish Local Authorities may be quite well resourced, but if they are properly to consult—local authorities, in COSLA's case—then that takes time. That should be noted.

10:30

Fiona Hyslop: My interpretation of what Paul Martin and Donald Gorrie said is that we support the proposed general approach of the new paragraph after paragraph 31. We probably need to reflect that in the introduction.

I agree with the previous comments about being more specific. We should be more specific and bolder with some recommendations on access and participation. Smaller and modestly resourced consultees face resource and time pressures. I would like some specifics about consultation times and I have not seen specifics about resources.

The Disabled Persons Housing Service, which is under threat, provided good evidence. It asked whether the Parliament could provide experts to explain to very small organisations how to deal with the Parliament. The usual suspects, which have parliamentary officers, are fine, but many organisations want to feed into processes but do not know how to or might not know about the processes. I would like more specifics on that.

I will echo Paul Martin's point. In a previous existence, I took on feedback and undertook research by using phone banks. Video boxes might be a bit more adventurous. When we deal with the specifics of access and participation, we should be prepared to feed in such ideas. Provided that we can do that later, I am happy with the general introduction.

The Convener: It is the intention to deal with that before we get into the specifics.

Susan Deacon: I am conscious of the convener's guidance that we should not go into wording changes, but my comments fall under Donald Gorrie's category of concept rather than wording. I will make the point that I was going to make a wee minute ago about paragraph 31. The language that is used at the outset can shape thinking throughout. I did not like phrases such as "the present consultation culture". I do not even like the word "consultation" very much, because consultation is a narrow concept and can lead to narrow practice.

The danger is that the Parliament and the Executive have become locked into a mechanistic approach to what is badged as consultation. That ties in with what Paul Martin and Fiona Hyslop said. That is different from developing a broader approach to public dialogue and engagement. Examples of that exist, but they are not mainstreamed across the Parliament's practice. Some of that involves embracing other forms of technology and using methods that are commonplace in other organisations' market research or even their customer and client relations work. Such processes are generic and transferable.

While we continue to talk about consultation, we are thinking about a narrow paper-based process with strict time limits and a beginning, a middle and an end, rather than a fundamentally different form of engagement. One exciting fact that emerged—there were exciting moments in our evidence session—was that some committees and the Executive have conducted some effective exercises, which have dispensed with some traditional concepts.

The Convener: All that is later in the document.

Susan Deacon: I appreciate that that is dealt with later. My primary point at the outset is that it is terribly important that what leads into the report is big-picture thinking and not narrow language and narrow thinking.

The Convener: That is why we propose to put paragraph 29 first, why it will be in bold type and why it talks about the tissue of partnerships and civic society's participation. That is the foundation. The people to whom we talked made the specific and probably institutionalised clamant demand to be put under less pressure to be able to participate. Consultation was in the forefront of their thinking. However, we do not suggest that the matter involves simply consultation; it goes much further than that. Later sections of the report go into that and commend many of the committee practices that Susan Deacon mentioned. We will certainly bear in mind her comments and will return to them when we consider the matter later.

Jumping over the text that members have seen before, I now want to go to paragraph 39, which I suggest should be put in bold type. As Susan Deacon pointed out earlier, this paragraph also goes somewhat beyond the Parliament. I think that it is important to highlight and welcome the fact that the Executive has made a commitment to the CSG principles in its workings. I suggest that we put paragraph 39 in bold type.

After that, we should add a further paragraph to say:

"We warmly welcome the Executive's commitment to the CSG principles, and recommend that the Executive should continue to inform all of its actions and policies by reference to those principles".

Basically, our thinking here is that the Executive has said, "The CSG principles apply to us as well." We want to say, "Yes, we agree that they should so apply. We want you to put them at the forefront of your thinking, just as we as an institution put them at the forefront of our thinking."

Fiona Hyslop: As paragraph 39 currently reads, it is a bit sycophantic towards the Executive's commitment. I do not mean that in any party-political way. We should say that we recognise the Executive's acknowledgement that the CSG principles also apply to it, but the jury is out as to the extent to which the Executive implements them. In some areas, such as in consultation, the Executive is good at implementing the CSG principles, but I am more sceptical when it comes to power sharing and other aspects. It would be right to say that we want to ensure that the actions of the Executive—both in the sense of the Government and in the sense of the civil service—continue to be informed by the CSG principles, but it would be wrong to say that we can make a judgment on its commitment to them.

The Convener: We cannot make a judgment or get sidetracked into a debate as to whether the Executive has lived up to the principles, as that would take us away from all that we are trying to do. That is not our primary purpose. I am happy to look at the wording of paragraph 39, but I want to lay a marker that says that the Executive should be as fully tied into the CSG process as the Parliament is, and that those principles should inform the Executive's thinking. At this stage, I am not looking for anything more than that.

Susan Deacon: Perhaps Professor McCrone can clarify. If my memory serves me correctly, in some of his earlier work he produced some material for us on this. Did the Executive at any stage—either at its own hand or in the period preceding devolution—in point of fact sign up to the CSG principles for its internal operations?

Paragraph 39 currently states:

"The Scottish Executive is committed to working with the

Parliament to ensure these principles are a reality ... of the Parliament's work"

The paragraph goes on to talk about ensuring that

"the CSG principles become ever more firmly rooted in the day-to-day work of the parliament."

This is not simply semantics, but does that commitment extend to ensuring that the CSG principles are rooted in the work of the Executive?

The Convener: Can David McCrone advise us?

Professor David McCrone (Adviser): As I recall, the evidence from the different surveys took the wider view. The Executive's attitude to consultation in general was acknowledged. To put it in crude and general terms, people's perception was that the Parliament was more open than the Executive, which was more open than Westminster. My advice is that that should be acknowledged. In the surveys, people made a judgment about how the Executive in its own right—not simply in relation to the Parliament—handled consultation.

The Convener: We might add both a summary of the evidence to that effect and a further recommendation that the Executive should look at applying the principles more widely in its own activity and in its dealings with civic society.

Donald Gorrie: An allusion to motes and beams might be appropriate.

The Convener: We will try to make the wording as even-tempered as we can. We will work up some additional text, which will be circulated for comment long before we reach the summing-up stage. We will live with paragraph 39 as it stands, on the understanding that it will be qualified and extended.

Fiona Hyslop: I would still prefer wording along the lines of "We recognise the Executive's acknowledgement of the need to apply the CSG principles." That is not unreasonable.

The Convener: Let us agree on the wording when we have seen the additional material that we will put together and when we consider the whole text and the overall balance of the report at the end. I thank members—that was helpful.

I propose to highlight paragraph 41, which deals with finding better ways to communicate, co-operate and work with one another in much more than a simply consultative sense. That picks up the point that Susan Deacon raised. I propose that we draw from paragraph 41 the following additional recommendation, which would form a new paragraph:

"Looking beyond the question of their own internal relations, perhaps the most important development task for the governance partners is to widen further the circle of political participation in Scotland beyond the current

members of these partnerships and civic society, and to enable those voices to be heard in government. While this 'pathfinder' function is the very *raison d'être* of the Scottish Civic Forum, it is a responsibility shared directly by the Scottish Executive and the Scottish Parliament. We therefore recommend that the Parliament and the Executive should accept a commitment to extend participation in policy formulation and law-making as widely as possible in 'civic society'."

That paragraph relates principally to law making rather than to other aspects of our work. It extends the argument beyond the mere consultative aspect, by suggesting that our whole ethos should be about drawing people in, widening networks, finding ways to involve other people and working with the Civic Forum, in particular, to try to engage with people outside the groups that have become habituated to working with us. I suggest that, although that is an important point of principle to include at this stage, it does not limit or take away from anything that will follow later. Other recommendations will be built on that principle. They will recommend extending civic participation and improving what is done at present.

Susan Deacon: I am slightly tentative about saying what I am going to say, because I am conscious that we are boldly living up to our principles by discussing matters in public. Let me live dangerously. I accept the aspiration that has been stated. However, I feel strongly that there is a need for us to move on from some of the language and some of the thinking that prevailed during the CSG period and in the early stages of the Parliament. We must give ourselves a wake-up call about where the world is *vis-à-vis* the operation of the Parliament and perceptions of the Parliament. That said, I do not wish to go to the other extreme of negative anecdotes. The hard evidence still shows a generally positive adherence to the Parliament and its operation.

There have been many warm and woolly words about participation. I feel that we are repeating many of those words. If one was to put to the test what some of that phraseology and thinking mean by stopping every second person on George IV Bridge, I suspect that they would find it pretty meaningless stuff. We must guard against that. I accept that, as the convener said, there will further opportunities for us to put flesh on the bones of our concerns. I note the danger of being overly warm and woolly and of going native to some extent, by being a little inward looking in some of our discussions of the issue.

I take issue with the phraseology of paragraph 42, which refers to

"drawing the public into the Parliament and engaging them in the general political picture."

I note that the convener used similar phraseology. It implies that people are to be drawn into the political process on our terms. I know that we

mention outreach later. I would like to make a fundamental shift in emphasis. We should remind ourselves that it is our job to reach out to people on their terms. That is qualitatively different. If we talk simply about drawing people in, we will not move beyond the usual suspects and organised civic society.

I hope that I will not over-egg the pudding by saying that the fundamental priority that we face is connecting with the wider general public. The evidence bears out the fact that we have got fairly good at engaging with organised civic society in Scotland and we will cover that in the report. The big task that we face is connecting with the wider public. I hope that you do not mind my airing those anxieties at this stage.

10:45

The Convener: Paragraph 41 says that we have to go beyond the current members of partnerships and civic society to whom we speak. There is an explicit statement that we are not talking to people beyond those who are comfortable with us and that we have to do more about that. Whether we are talking about our drawing them in or our going out, I see no incompatibility. Everybody told us in the course of our inquiry that we must find new ways to engage with people.

Fiona Hyslop: It is important to go through the paper, because we have to see things from more of an inside-out perspective. I agree that drawing the public into the Parliament is about telling people to come to us rather than our going to them, which is unfortunate. I agree with the statement in the new paragraph that you want to put in, although I want it to be worded more strongly and to be more specific. The proof will come from what we recommend in the detail and I acknowledge that that will come when we discuss access and participation.

We could strengthen the statement in the new paragraph by talking about the unheard voices and disorganised civic society. Much of the evidence was quite clear that organised civic society has a good relationship with us and has managed to capture well how to do things with the Executive and the Parliament. Perhaps there needs to be more emphasis on the others in our approach. I take it from the nods of agreement that that is the kind of approach that we should take.

The Convener: I wanted paragraph 47 to be set in bold type with that emphasis in mind, because we need to get to the people who do not want to talk to us or whose voices we do not hear, and they need to get to us.

Paul Martin: We have to consider the way in which we take evidence from organisations that

we want to consult. We have to ask whether a group such as the alive and kicking club in my constituency would be comfortable with sending its members to take part in an evidence session or whether there are other ways in which to engage with such groups. I am not saying that I have the answers, but we have to acknowledge the fact that some organisations will want to provide evidence in their own way, rather than going through formal procedures that they find difficult. We tend to move down the road of being politically correct in dealing with that, rather than acknowledging that some groups, such as the disorganised organisations to which Fiona Hyslop referred, are comfortable with their own methods of communication. Many of those organisations are delivering the Scottish Executive's policy commitments, such as long-term care for the elderly. Organisations such as the alive and kicking club are involved in giving advice on care and would welcome an opportunity to give evidence, but they might not wish to do that in the form of an evidence session with the Health and Community Care Committee.

The Convener: That is implicit in the comment at the end of paragraph 42, in which we talk about how MSPs can be used to relate to groups in their area. There are all sorts of opportunities for people to engage on their own territory and on their own terms. We will get to the specifics. If you want to see something in the report that will boost that approach, the best way to do so is to suggest a form of wording and to say where you want to slot it in. When we get to the final stages of the exercise I am sure that the committee will be perfectly happy to accept such a suggestion.

Professor McCrone: Simply to prevent the academics' trade union—

The Convener: Perhaps you should declare an interest.

Professor McCrone: There is an open season on academics, just as there is an open season on politicians. The way in which the argument is presented in paragraphs 46 and 47 loses the thrust. I am quite happy for comments to be made about academics, but the meat of the argument will be lost if the paragraph is emboldened, because the argument will appear to be about academics, when it is not.

Fiona Hyslop: The reference is to "real people". The point is that academics have a particular perspective because of their academic professionalism, which the Parliament has perhaps used to great effect, but to the exception of people who equally could be advisers. That is what we need to emphasise.

The Convener: I should say that if Professor McCrone is willing—without fee, of course—to

give us at this stage his advice on the elements in the report, that would be very much in keeping with his contribution at the earlier stages. I am not restricting suggestions to committee members.

We move on from the introduction to access and participation. I repeat that the text is adapted from what was circulated to members last week. I have a lot of suggestions about where we might add emphasis and where we might add new text. On the introductory section, I thought that paragraph 51 was important. It refers to "participative democracy", which the committee might feel is not sufficiently up to date, but it is nonetheless a statement of what we have been trying to do, which is to improve access to and participation in political processes. That was our commitment.

Does Fiona Hyslop want to comment? I am going to try to pick up the pace if I can.

Fiona Hyslop: Yes. I want to go back to my point about the specifics, and about providing a pooled resource for people who are not from the major organisations on how to access and be involved with the Parliament when they are asked to give evidence.

The Convener: Sure, but I would not put that in a section that is called an introduction; I would put that as a recommendation later.

Fiona Hyslop: It is a recommendation under access and participation. For example, the clerks of the Public Petitions Committee are highly regarded, due to the support that they offer individual petitioners when they come to the Parliament. A resource similar to that, for smaller organisations that give evidence to committees, would be welcome.

The Convener: That sounds like a useful idea to bring forward at a point that you think is appropriate.

I was going to let much of the text in the introductory section stand, because it is a summary of the evidence. That takes us to the next section, entitled "Access and Participation in the Parliament", which is also very much a summary of the evidence that people gave to us.

My next suggestion is on paragraph 90, which contains a statement—I am not sure whether it was given in oral evidence or in written evidence—from the Scottish Parliamentary Corporate Body. It reads:

"we do not want a Parliament that is remote, incomprehensible, uncommunicative, introverted and unfriendly."

That sounds like it was said by Paul Grice, but I see that it was said by Andrew Welsh. He continues:

"Our Parliament belongs not to the MSPs but to all the people of Scotland, whom we serve."

I think that it is worth putting that in bold type, simply to highlight the commitment that the SPCB has given. Similarly, paragraph 92 reflects a statement by Des McNulty on a commitment on the part of the SPCB about Parliament fulfilling its constitutional role. I thought that those were both reasonably significant statements.

I also wanted to put paragraph 94 on page 14 in bold type, because although we do not want to be too self-congratulatory, it is fair to reflect on the fact that lots of people have worked damned hard at building up the Parliament and trying to honour the principles, and it is appropriate to commend the people within who have worked hard. Maybe we do not do that often enough as politicians.

Fiona Hyslop: I am sorry, but I go back to my initial comments. I pay tribute to the work and efforts, but sometimes they have been misplaced and we have not taken the opportunities that we could have taken. I do not want to knock the staff and the individuals who are involved in the SPCB, nor their efforts, but I believe that that is exactly the sort of phrase about which we should be very cautious.

We should temper the statement a bit. We should acknowledge the efforts that people have made and the focus of what they are trying to achieve, but the report should acknowledge that much more needs to be done. Otherwise, we are saying that everything has been hunky-dory, and I am not sure that it has been.

The Convener: The report does not do that. It says that people deserve credit for what has been good and has worked so far. I would not like to take the gloss off that by saying that some of the effort has been misdirected. Where we think that that has been the case, it is implicit in the report, because we suggest the new practices that we want to introduce. There are times when people should be told that they have worked hard, and the staff have worked hard.

Susan Deacon: A false dichotomy is emerging. It would be unfortunate if we were to polarise around such issues when that is neither necessary nor appropriate. It is, in my view, a statement of fact that a huge number of people have worked exceptionally hard to establish the Parliament. It is important that we take the opportunity to put that up in lights, because it is sometimes not recognised enough how hard the work has been for those who worked to establish the Parliament. I concur strongly with the convener's view about the need to say and acknowledge unequivocally the success of much of that work.

I will take one example: the Parliament's education service. It does a tremendous job in liaising with schools. To bring in school groups is a huge job of work. The service is massively

oversubscribed, so much so that I am frustrated at the number of schools in my constituency that have been trying recently to arrange visits but cannot. The service is a victim of its own success.

Those are statements of fact. I agree with the convener that we have an opportunity to acknowledge such work in the report. However, a bit of the equation is missing. It must somehow be woven in at an early stage. Otherwise, we will be in danger of further disconnecting from the realities of the world in which we live. I will stick with the education service as my example. It can do an excellent job to organise bringing in school groups, it can have the best tours in the world and youngsters can have meetings with MSPs in Cannonball House that are a tremendous experience, but if the youngsters do not feel that what they see and hear in the chamber, the nature and tone of the political debate and the way in which the wider political process functions are real and relevant to them, all that effort and energy is as naught.

We are the Procedures Committee and we are, by definition, concerned with procedures, so we cannot get into what Professor McCrone will, I am sure, tell us is an entirely separate body of literature, apart from anything else. Although we cannot, in a report such as this, unpick all the issues that I have outlined, we must acknowledge the connection up front and not talk only about process and participation as ends in themselves, which is what I fear we are in danger of doing throughout the report. Even where we touch on the political process, we do so in what is essentially a mechanistic way—we talk about block votes and the like—rather than giving our observations some hard edges. We must acknowledge that much about the way in which the party system operates, for example, impacts directly on wider experience. Donald Gorrie has written cogently and copiously on that in other contexts for the committee and more widely.

I return to my first point: to say that we must either acknowledge the good work or mention the negative is a false dichotomy. However, if we simply highlight the positives without at the absolute least acknowledging some of the less strong elements of what goes on in the Parliament—or some of the related elements—we will be in real danger of adding to the scepticism and cynicism about what we do, because others will simply look and say, "Here's some self-congratulatory stuff. The politicians are patting themselves on the back again." I know that that is the last place that we would want to end up.

The Convener: I look forward to the specific recommendations and additions that you will produce for the later stage of the process.

Susan Deacon: I will be happy to write them down.

The Convener: I hope that, if we complete the agenda item today, by the end of this morning, we will have a platform that members can use to build upon—perhaps I should have said a ship whose course members might wish to change.

11:00

Professor McCrone: I am sorry to go back slightly, but I have an issue about presentation. In paragraphs 54 and 55, reference is made to the work of John Loughlin. To the uninitiated reader, it might appear that he gave evidence directly to the committee, which he did not. It may be that, throughout the report, there is an implication that evidence of an indirect nature was presented directly to the committee.

The Convener: All those points are clarified by the use of footnotes. We had to accept that huge amounts of changes would take place between the initial draft, which the committee saw, and the public document. For the sake of handling the business, we decided that we could not carry the footnotes with the text, which means that the explanation and detail that the footnotes will provide were removed. If we agree the document, we will reinstate footnotes at the earliest opportunity.

Professor McCrone: I would like to follow up on that point. Paragraphs 54 and 55 set out an important point, which should be captured in the report with the source—Loughlin—presented in another way. The committee might want to consider putting what Loughlin—or anyone else—says into the text and presenting the name in a footnote. That issue might run throughout the report, so the committee might wish to consider reviewing the procedure.

The Convener: That is certainly helpful. We will consider the point. If, as you make your way through the report, you notice other examples, it would be helpful to hear them. If you are reading the report in a quiet moment—say at 1.26 am—perhaps you might jot down notes for John Patterson.

Donald Gorrie: Let us say that we are in the position of a theatre that has a marketing department. If that were the case, we would be saying that, by and large, the marketing department works quite well and that it is another issue if the show that the people come to see is hellish because, if that happens, it does not detract from the work of the marketing department. It is worth saying that our systems are quite good, although they could be improved on and serious efforts are being made to involve people and so on. It is important that we say that at this stage and be modestly self-congratulatory. Given that the people who show no interest in us will not read

our report, we should not worry if some of the wording is not that great.

The Convener: Indeed, but the opportunity exists for all members to suggest alternative wording. When they have read the report again, they can say that they do not like the way that a section is put, the gloss or the unfortunate tone in this or that section. I repeat the offer that, if members want to make changes, we will be receptive to them.

We should press on. I ask members to turn to paragraph 116. I propose that we highlight the paragraph using bold type. It makes the point that people want us to provide access and facilitate participation. I hope that paragraph 116 does not appear to be too self-congratulatory—I believe that it is aimed at what people want.

I suggest that we also highlight paragraph 117 in bold type. I am trying to work towards a new paragraph, which would appear as recommendation 5, to be inserted after paragraph 117. In the recommendation, I propose to set out:

“Nevertheless, the Parliament is at an early stage, and there is likely to be considerable room to expand the scope of participation activities. The present level of Parliamentary activity and resources may have to increase to meet perceived demand, for example committee resources and civic participation events. We therefore recommend that a cost-effective, targeted strategy be developed to enhance participation and access, and that both committee work and civic participation events will require additional focus and resources.”

Although the recommendation is not full of detail, it sets out what I hope is an important platform on which further detailed work could be done.

We will commit resources—material, human and intellectual—to develop an approach that enhances participation and access. I felt that it was worth making that a recommendation. I am reading the recommendations into the *Official Report* deliberately. There is no difficulty in putting the draft report on the website and we will put the consolidated paper on the site as quickly as we can.

Fiona Hyslop: I agree with recommendation 5, although it would benefit from some specific details. In our previous discussions, we identified what those might be and whether we want to add to them. I also reflect that the recommendation creates the impression that we will have to increase resources. The Parliament has not fully utilised the available access and participation budget from the initial years, which reflects my previous criticism that it is not a case of increasing budgets. Although I am not desperate to have it in the report, we must recognise that the Parliament has not maximised the resources available to it in the first years, although it might have been difficult to do so in the first two years.

The Convener: Part of the continuing work of the conveners group is to negotiate budget allocations with the SPCB. There are categories where there has been underuse and underspending, although that might have been because of over-allocation. In other areas, the budget headings have been pressured and they have been dealt with in financial years by virement and, in successive years, by apportioning budgets to meet priorities. Essentially, I agree with that practice.

If there is an overall ceiling and committees are unable to do what they feel they want to do—committee travel is an example—there might have to be net increases in the budget. I hope that committees would regard that as a rationale to argue the case for more money, if the totality of what they did was not adequately resourced and they had a legitimate case.

I have not included specifics in the recommendations because, by their definition, specifics limit and restrict. I am happy to include examples if members wish, as long as the examples do not define and limit how the principles can be extended and broadened.

Fiona Hyslop: We should all contribute to those examples. We have all been struck by the example of the Parliament education service. It needs its own topic in the report—if it is there already, please let me know where it is—because we want to ensure that it is well-resourced—

The Convener: Recommendation 4 covers the education service. At the moment, I do not want to say anything specific about it because I have the impression that the facilities and the experience of the education service will be transformed in the new building. I hope that it will then be everything that everyone wants it to be. However, in principle, if we find in the new building and the new context that the education service is still as resource-constrained, we should consider the problem to allow the service to do a better job. That applies to every aspect of our work—the successful aspects, the noticed aspects and also the aspects that tick away quietly in a corner, but which could do a better job if they were better supported. I hope that everybody regards support as the basis of being able to argue the case that we need better resources to achieve more.

Fiona Hyslop: I would like the Parliament education service to have a specific section in the report. The media, local government and the Scottish Civic Forum all have titles in the report.

The Convener: I am happy for you to propose that, Fiona.

I propose to put in bold type paragraph 119 because, although it is almost a self-evident statement, it is an important statement—that we

need an external communications strategy. In his email, Ken Macintosh said something about such a strategy, so we might need to return to the subject. I have not absorbed what the points were.

Susan Deacon: When we talk about the external communications strategy, are we referring to the piece of work that the SPCB is currently doing?

The Convener: Yes.

Susan Deacon: Do we know when that will be published?

The Convener: We do not.

Susan Deacon: I simply wondered whether there was an opportunity for us to move matters on a bit further. If it gets to the stage of publication while we are still involved in this process, it might be useful for us to comment on its substance. I have no idea whether that is realistic.

The Convener: That is a perfectly fair point. There is on-going work on one or two areas in relation to which we have made recommendations, and it is true that we could be pre-empted by the conclusion of a piece of work. If that happens while we are still finalising our report, we would want to amend our report, partly for the sake of accuracy and partly to allow us to respond to the newly published information.

I wanted to add four paragraphs at paragraph 122. The first of those would read:

“The point of fundamental importance for the medium term appears to be that the Parliament’s activity on access and participation is directed to increasing the *scope* of those who are becoming engaged with the Parliament, particularly the disadvantaged groups, as noted in evidence received from the Equal Opportunities Commission and Scottish Enterprise for example. We recommend that this objective should be made explicit in the Parliament’s external communications strategy.”

Members might not like the expression “disadvantaged groups”, but we can argue about that later.

The next paragraph would read:

“We recommend that the SPCB should prepare a specific outreach programme, based on sound research, to target and engage presently disengaged social groups, seeking to use all the resources of the Parliament and its committees, with regular reports to the Parliament that might be the subject of debate and discussion in the chamber. We have no illusions about the difficulties of this task.”

The term “disengaged social groups” might be a better expression than “disadvantaged groups”. The point in that paragraph is developed in the next:

“In seeking to do this, it will be of enormous importance that the Parliament considers using as many ‘gateway organisations’ as possible in this task in order to stimulate a partnership approach and to conserve Parliamentary resources. We recommend that partnerships between the

Parliament, Scottish Civic Forum, and organisations such as Barnardos should be pursued vigorously."

Barnardo's is used as an example of an appropriate organisation in the community, of which there are many.

The final paragraph would read:

"We recommend that SPICe and the SPCB should undertake research, in the light of 3 years experience, into any appropriate expansion of the partner library network, and the provision of IT links into the Scottish community, based on the libraries but not necessarily confined to them. Consideration might be given to piloting IT access points in areas that might best support the objective of widening the engagement of the Parliament with disadvantaged groups."

There are further recommendations in that direction later.

The emphasis in those paragraphs is on ways to reach beyond—to use the ghastly expression—the usual suspects and find ways to engage more broadly.

Donald Gorrie: I think that the phrase "presently disadvantaged social groups" should be interpreted quite widely. People such as the constituents whom Paul Martin was talking about need attention, but we should not forget that there are many reasonably well-educated, newspaper-reading people—perhaps having coffee together in George Street as we speak—who do not belong to any organisation that has contacted the Parliament and so who have no first or even second-hand view. Their information comes only from the newspapers and they are disengaged and hostile to the Parliament. We have to address them as well as the more obvious groups.

Susan Deacon: I am more concerned about the relevance of the Scottish Parliament to the single parent living in a flat in Craigmillar in my constituency, whose experience of the political process is qualitatively different from that of the non-organised, educated, newspaper-reading, George Street cafe clientele. We should guard against thinking or language that is stereotypical, exclusive, paternalistic and—I have started, so I will finish—patronising, and remind ourselves that there is a wide world full of people who might never set foot in this institution even though what we do will impact on them.

Ken Macintosh made the point in his e-mail that perhaps we need to say more in the report—I know that it is mentioned—about the role of MSPs. If the kind of individuals whom we are talking about have contact with the institution, it is far more likely to be at the level of speaking to their MSP about something specific in their life than it is to be about being involved in the process that we have talked about thus far.

11:15

Professor McCrone: I will make a general point. It is not about the wording of the report, although it will have implications for the wording. I understand that the committee has struggled with the matter, but I advise that we should perhaps turn the points about disengaged and disadvantaged social groups around, because the world is not divided into advantaged and disadvantaged. People who might in material terms be disadvantaged, for example some of the people in Paul Martin's constituency, may be quite well organised. Therefore, I advise that the committee should use words about inclusion. I will be happy, in the fullness of time, to produce some suggestions. That wraps the thing around rather than dividing people into advantaged and disadvantaged, which is not the way that it is. It also gets away from the language of groups as opposed to individuals.

The Convener: That would be helpful.

Paul Martin: I have a positive point and a negative point. The positive point is about recommendation 9. It is an excellent recommendation about considering the ways in which we communicate with the public through the use of IT. I especially welcome the statement that IT links will not be confined to libraries.

Recommendation 9 will deal with many of the access issues. An 82-year-old told me that she has been e-mailing me for a year. She asked me why I was surprised that I was being e-mailed by a person of her age. Various groups want to get access to IT, regardless of age and gender. I welcome recommendation 9.

On recommendation 7, we should consider the much wider social context to which we are referring. Some people from middle-class backgrounds do not need to engage with the Parliament because they have no difficulties with their lifestyle. They are satisfied not to be in contact with the Parliament because there are no reasons—perhaps other than a local planning issue—for them to be engaged with the Scottish Parliament or local government. I appreciate that the report did not set out to address that specific point, but we should consider widening the disengaged groups to which we refer.

The other issue is that we should use a point of contact as an opportunity to engage with people. For example, when a group submits a public petition about a planning decision or whatever, we should use the follow-through from the petition to indicate that the Parliament works through the public petitions process and then use that as the net to allow for further engagement. Engagement is about showing what the Parliament can do through a public petition. That process has been

an effective part of the work of the Parliament and we should use it to enable people to engage with other aspects of the Parliament. I experienced that in my own constituency, when people became involved with the Health and Community Care Committee because of a public petition that was submitted about a secure unit. At a later stage, they were able to give evidence to the Health and Community Care Committee. Wider issues exist about how people engage with the Parliament.

Fiona Hyslop: I agree with Professor McCrone's points about inclusion. Those points will be taken on board. We must also recognise that people have the right to be disinterested in what the Parliament is doing. We must be careful that we do not over-egg the point when we say that there are lots of social, economic and other barriers that prevent people from engaging with us; some people might not want to do so. We must have that perspective. The right of the disinterested to be disinterested must be recognised.

Recommendation 9 states:

"Consideration might be given to piloting IT access points".

If we believe that to be the case, we should make the stronger statement that we recommend the piloting of IT access points, instead of saying, "Consideration might be given".

The Convener: That is probably sound.

Mr Gil Paterson (Central Scotland) (SNP): I sound a wee note of caution. I take on board a lot of what Paul Martin said, but I do not think that disengagement is necessarily associated with class, although obviously the resources are available to the people who have more money. I agree with some of the statements that Fiona Hyslop made about our being a bit too self-congratulatory. The evidence that we took when we spoke to people suggests that there is disengagement with the Parliament throughout the classes; it is not specific to people who might not have enough resources to make inroads into the Parliament.

Susan Deacon: We discussed at some length with a range of bodies the use of umbrella organisations as conduits to their membership. I seek the guidance of the convener and the clerks on whether that point is covered in the paper. I think that Donald Gorrie touched on it earlier. It strikes me that there is a big opportunity to share responsibility, not just conceptually but practically, and to reach out fully to a wider range of organisations. I wonder whether we have captured that point sufficiently. It is absolutely consistent with what was said about gateway organisations, but we should put even more meat on the bones of the huge opportunity that there is to use actively

bodies such as the Scottish Trades Union Congress, COSLA and the Confederation of British Industry Scotland. Is that point covered elsewhere?

The Convener: It was referred to earlier when we talked about the consultation process. We shall discuss wider activities when we get on to civic participation events and some of the things that committees have done to draw in businesses or ethnic minorities. We can certainly boost the wording of recommendation 8 to make it clear that we see umbrella groups as potential partners and gateway organisations to allow us to extend our network of communication and contact.

Donald Gorrie: For the avoidance of doubt and in case any language enthusiasts read our report, it is worth emphasising that we are concerned about people who are "uninterested", rather than "disinterested", in the Parliament.

Fiona Hyslop: Thank you, Donald. That point is much appreciated.

The Convener: The clerk just groaned, because he is on the receiving end of a huge amount of pedantry from me, but it is not often that we discuss it on the record.

Donald Gorrie: We have both been teachers.

The Convener: We have indeed. I even corrected the clerk on the accent that he put on "raison d'être".

I was about to move on to paragraph 124. Members can shoot me down and say that it is self-congratulatory, but the Bertelsmann Foundation said that we were doing an awful lot on the cutting edge of using modern technology. It is worth highlighting that, because it is undoubtedly true and a fair comment—it will therefore be ignored. I was going to add after paragraph 124 new paragraphs in the same general area. The first is:

"We commend the establishment of the Parliamentary Intranet/Internet Editorial Board and the Participation Services Unit. 'Discussion facilities' now exist on the web, as the Expert Panel recommended. (There are forums on Europe, the Middle East and Chronic Pain, for example). We recommend that consideration be given to establishing a 'virtual Parliament on the internet', as recommended by Professor Schlesinger."

We might want to take more evidence from Professor Schlesinger about how he sees that operating, but the paragraph is meant as a general statement about how we use modern technology to encourage more dialogue and communication.

The second new paragraph is short and says:

"We recommend that users should be given the chance to comment on any proposal to redesign the website."

There is constant reworking of the website and, although it is not necessarily perfect, it has got better.

The third paragraph to be added is recommendation 12, which says:

"We recommend that consideration should be given by the Parliament to a permanent Parliament roadshow to publicise its activities throughout Scotland. It might be similar to the stands the Parliament uses presently at voluntary sector and other conferences. Investigation could also be made of the feasibility and cost effectiveness of one or more appropriately sited High Street, 'Parliament Information Centres' which could act as focal points for the dissemination of Parliamentary information and related local activity, perhaps sharing facilities in branch libraries, job centres, or tourist information centres, in order to reduce costs."

That links back to recommendation 9, which mentions finding better ways of promoting internet access. We should be represented in all sorts of other places, such as tourist board offices and local authority one-stop shops, by making visual display material available and spelling out contact mechanisms, for example.

The fourth paragraph to be inserted says:

"We recommend that the SPCB should consider how it might support and develop the 'Put it to your MSP' programme."

That recommendation was suggested by the Educational Institute for Scotland in light of its activities in promoting surgeries and meetings with MSPs and school pupils.

The fifth paragraph that will be included says:

"We recommend that the SPCB should publish guidelines for responses to correspondence by the Parliament, and that the Conveners' Group should add similar guidelines in respect of committee correspondence."

The recommendation refers back to specific points that were suggested in the preceding body of evidence.

Fiona Hyslop: The idea of the roadshow came up a number of times in evidence. If we agree that we should find some way of taking the Parliament out on the road, we should change the phrase "publicise its activities". Perhaps it would be better to use the phrase "engage the wider Scotland", because that is what we all mean.

Paul Martin: I do not think that people will want to engage with us if we are simply saying, "Let's look at how great the Parliament is." Instead, they will want to know that attending the roadshow will make a difference to policy issues. There are similar models in local government. For example, the community representatives of area committees regularly meet local elected members and are involved in policy-making and grant-making decisions. I know that that is probably taking the matter further than what is suggested in

recommendation 12, but roadshows are effective only if the public believe that there are carrots attached to them. We need to consider the design of the roadshow and indeed think about whether we should be having a roadshow rather than something along the lines of the area committee.

The Convener: The evidence suggests that the roadshow would primarily be an information and discussion session. However, it would be pertinent if you could work up a suggested recommendation about area meetings at which relevant constituency and list members might discuss issues of concern with the public. Although we are not an executive body such as a council, which can disburse resources and make decisions, we certainly ought to be able to have good dialogue with people about current issues and concerns and what we should be legislating on. It would be useful if you could work up such a model.

Professor McCrone: I just want to point out that the committee has successfully taken direct evidence on the road.

Fiona Hyslop: I was about to say that myself.

Professor McCrone: Time and again, people asked the committee why they did not see more of members as a group or on an area basis. Unless it appears elsewhere in your report, a recommendation along those lines should certainly be included.

On recommendation 12, I would counsel against giving the person on the street the perception that the Parliament is simply setting up yet another shop in the high street and that the public are having to pay for that. One should be a little more careful to insinuate information sources into existing places—pubs or libraries, for example—rather than setting up something de novo, which would attract negative attention. One has always to be conscious of the perception that something that we think is a good idea is considered by others to be wasting taxpayers' money. The recommendation might be a good example of that.

11:30

The Convener: I had that thought recently when I was at the tourist information centre at Loch Lomond Shores, which is a substantial area. It is a good centre with a lot of interactive and activity-based material on display. It is precisely the kind of place through which huge numbers of people go and where we could have a permanent stand and a touch-screen facility to provide information, give contacts and tell people how to lodge a petition.

The high street suggestion was simply an idea, but we could set up something in an area through which people go and browse. If they had the opportunity to look at parliamentary material, that

would be another way of reaching more people. We could extend that into all local authority offices, citizens advice bureaux and other places in which people have the space to accommodate equipment. That equipment could be installed at a relatively low cost and hugely increase people's ability to engage with us.

When we were in Ullapool, we found out that the only public internet access was in the school library. The number of people who were using it was probably slight, but there was a strong demand for better internet access. That is an education and local authority issue, but when it comes to people accessing our website and contacting us, we should consider the spatial dimension of an area that does not have good facilities. We should ask whether we should have something in Wester Ross or Galloway as well as in the big population centres. There is scope for expansion, but we do not have enough information or any sense of the costs and of what is possible. I am kicking the idea out for discussion and for other people to develop.

Fiona Hyslop: We want to capture the concept of what we want to do and then give some specific examples of how we could do it. The points made by both Paul Martin and Professor McCrone could be used in recommending the concept of a roadshow that would engage people in different formats and at different access points. I echo the comment about the Ullapool meeting, which should be stressed. People appreciated the meeting because it was not party political.

The Convener: You were very well behaved.

Fiona Hyslop: I was well behaved, indeed.

The point is that the process is not necessarily about regional committees. The engagement in Ullapool was good and we should capture that in the process. It would be a good example to use elsewhere. People were involved and engaged; they were able to take a non-partisan view of how the Parliament works without breaking down into party-political point scoring.

Mr Paterson: We have to be cautious and ensure that a distinction is made between promotion and engaging with the public. There is a difference between a live show and a display from which people can lift a brochure. A live show would be much better. Although I do not have any evidence to support this point, I get the feeling when we go out to engage with the public that we need to get out more. I await Paul Martin's comments with interest.

The Convener: Paragraph 125 is about language issues, which we have been over many times. There is a language policy, so I was going to suggest that we add to the evidence a further

recommendation, which is at the foot of page 3 of my observations. My suggestion is:

"We recommend that this Committee, and the Equal Opportunities Committee, should review the Parliament's external communications strategy, including the language policy, in the course of the next Parliamentary session."

That simply lays down a marker for our successors to say that we believe that that would be an important piece of work to examine.

That takes us into the section on the media. As members will have seen from the e-mail that was sent last week, a lot of the material is simply a report of the evidence. In paragraph 136, it is noted that the BBC suggested that there should be

"a group of broadcasters and parliamentarians".

I would like to add:

"We recommend that a Media Group, under the general auspices of the Presiding Officers, should be established as a means of ensuring continuing dialogue on key issues between the Parliament and the broadcast and written media."

I use the phrase

"under the general auspices of the Presiding Officers"

because it does not matter who chairs or presides over the group. However, if that person is not a Presiding Officer, they should be someone who is officially appointed. That is a specific response to the recommendation.

In paragraph 139, in which people talk about local issues, I would like to add a new recommendation:

"We recommend that the Parliament's Media Relations Office (MRO) should place greater emphasis on developing links with local newspapers."

The media relations work that the Parliament carries out is being expanded steadily and we recently appointed somebody to work with committees. I think that a logical extension of that would be to look into the information that we give to local papers.

In paragraph 142, I want to put on record the fact that we are working on the parliamentary timetable. That is not part of the CSG report, but it is parallel work that we have initiated. We issued the survey in October. I want simply to mark the fact that we are doing that work, as it is part of our thinking and is related, although it is in a separate category. I suggest that we highlight the last sentence in paragraph 142 to show that that is the case.

In paragraph 143, I tried to separate the quote from the stem, but as soon as I did that the quote became a separate paragraph. If someone who is more adept at such things could do it, we could separate the quote and highlight it in bold type. Something that came through in our evidence was

the fact that the rules governing broadcasting are much more flexible here than is generally the case. That is an area in which we have been quite innovative.

Paragraph 145 is a statement of intent that I thought was worth putting in bold type.

In paragraph 147, there is a specific and relatively detailed discussion about the accreditation of journalists. After paragraph 147, I want to insert recommendation 18:

"We recommend that the MRO should publish the conventions for applying the code of conduct, so that members of the Parliament, the press and the public are fully aware of them. We also recommend, on the grounds of openness, that the list of those who have, or have had, regular or occasional access should be available for inspection."

That recommendation is rooted firmly in the discussion that we had in that session. We got the impression that things were not as smooth or as transparent as they should be. We formed clear opinions at that time and the recommendation tries to encapsulate the judgments that we made.

I was going to suggest putting paragraph 155 in bold type, but I cannot remember why. I also thought that we should put paragraph 156 in bold type, although I cannot remember why. Perhaps we could leave a question mark over those two paragraphs.

I suggest including a further paragraph after paragraph 156, following the evidence of Robbie Dinwoodie, who was concerned about the general lack of a proactive approach from the Parliament to the media and felt that committees could do much more to explain to journalists what they are doing. This paragraph tries to capture his comments:

"We recommend, therefore, that committees should consider holding more regular press events; that the conveners group could take a lead in discussing this, utilising the expertise of the broadcasting office and the MRO, and could itself consider what relationship it might have with the media; and that some consideration could also be given to regular press briefings from the Presiding Officer on behalf of the Parliament as a whole. Taken together, these initiatives could be an excellent way for the work of the Parliament to be mediated to the Scottish people in a more vigorous yet more measured way than has hitherto been possible."

In recent months, as the session draws to an end, the media relations officer and particularly the Presiding Officer have been much more active in giving their thoughts on how the Parliament has been working. That is an example of the sort of action that is intended. We might want to amend the recommendation to ensure that it is not definitive, but those are examples. Everybody must think more about their work with the media, which means that we ought to think about how we present to the media the report and the emerging

recommendations. We want people to be made aware of them and we want to get across what we think are the important priorities.

Susan Deacon: I agree with the thrust of much of what you say, convener. The section that we are discussing is important because, undoubtedly, the media are the prism through which the majority of the Scottish people view the institution and what it does. I have a few comments in that vein.

To return to the issue of tone, I feel that the approach of reacting to negative coverage is unnecessarily defensive. The convener cited paragraph 145 as one that should be in bold type. I agree, but I would go further and say that that statement should be right up front. We should be bold and say why it is right and proper that the Parliament should work actively to ensure that its activities are accurately portrayed. The specific recommendations should flow from that positive statement; they should not simply be a response to negative coverage.

At some stage, we must acknowledge the resource implications of what we are saying. For example, recommendation 19, with which I strongly agree, has substantial resource implications if the Parliament is to be more proactive in its media engagement and address the kind of issue that Robbie Dinwoodie raised in his evidence, which the convener cited. That is precisely the type of area on which the Parliament comes under attack. I predict that when the SPCB produces its communication strategy, what it says will be given negative coverage.

I have previously dared to disagree with colleagues over the suggestion that in the resources equation the Executive is always Goliath and the committees are always David. I believe that in many cases, the Executive does not have the enormous resources that people think that it has and that there is not always a gulf. However, there is a gulf between the Executive's capacity to engage with or handle the media and the Parliament's capacity to do so. My comment is about the quantitative aspect as distinct from the qualitative one. This is not a competition, nor should it be, but it stands to reason that the public will hear little about the Parliament's operation if there is no machinery to engage with the media. The recommendations on the issue are really quite minimalist and perhaps we ought to go further. That is why I would like to see the SPCB's work—even in embryonic form—which would allow us to dovetail our comments. Principally, my point at this stage is that the committee will have to bite the bullet as to what we say about the resource implications. If that means having to be bold and take it on the chin, so be it.

11:45

Paul Martin: A protocol on how committees involve themselves with press briefings, particularly in relation to committee reports, is required, so that the media are aware of the way in which committees will release such information. My experience is that press briefings have been called sporadically. No protocol states that as soon as a Justice 2 Committee report, for example, is completed, a press briefing will follow on such-and-such a date. That creates a demand for a leak from the committee.

There are two issues. The first is the need to set in place a protocol so that the media are aware when reports will be released following their completion. There is an issue of communication between committee clerks and the media as to when briefings will be held on reports and how we go about holding such briefings.

The other issue that we must address is the fact that not every committee report demands media attention. We have to clarify ways in which the protocol could determine whether there is a demand for a particular report. We know that some reports demand more attention, in terms of media briefings, than do others. We have to be clear about that.

We know that a leak works in favour of the media representative who is successful in obtaining the leak, but it does not work in favour of the other representatives who are caught out. We should ensure that we set out a protocol so that information is released to everyone at the same moment. Committee members may disagree, but as far as I am aware, the process is an informal one of saying, "Let's call a media briefing."

The Convener: You are right, but I am not suggesting that we should do that. I am suggesting that conveners, who are the people most directly involved in the process, ought to make the issue a matter for internal discussion and debate. It may be that they should do that by working up a protocol.

Donald Gorrie: I, too, endorse the thrust of recommendation 19. I am not sure that it is fair to ask the Presiding Officer to hold press briefings, because he has to try to be frightfully neutral. We need the all-party back-benchers committee that is mentioned later in the report. We need somebody to bat on our side. We are in the position of the English cricket team—nobody bats on our side. The Executive has effective batsmen—possibly they are more like spin bowlers—and the parties have press machines, but the Parliament, despite the good efforts of some officials, has none. We need to have a mechanism to push what the Parliament wishes to say to the public. I like your idea, convener, but I am not sure that the Presiding Officer is the right person.

The Convener: All I am saying about the Presiding Officer is that the Presiding Officer has some responsibility to speak for the Parliament as a whole. There are an awful lot of issues with political dimensions for which that would not be appropriate but, in relation to the work of the Parliament as a body, there are times when that would be appropriate. The Presiding Officer has been reasonably active and effective in recent times in getting arguments into the public arena. We are simply saying that we approve of that and that that is how it should be done. However, there are wider aspects to the job and there are tasks for other people in the process, including the staff who are engaged to be our press officers.

Mr Paterson: We all agree that, by and large, the people engage with the Parliament. Whether they do so through the Public Petitions Committee or by coming in to give evidence, they find that it is a good experience and they speak highly of the Parliament, but they are a mere flea bite in the Scottish population. Most people get information about the Parliament through the media. For me, there are two distinct groups of media: the mass media, such as newspapers and broadcasting media; and the local media, whether that is free newspapers or paid-for newspapers.

I would like to extend recommendation 17, which is a short paragraph, by incorporating the word, "resources". I do not think that the media exist to promote the Parliament; they should report what happens in the Parliament—good, bad or ugly. Unfortunately, in the past three years we have discovered that much of what goes out in the mass media has been fairly negative. However, although the local media have carried negative stories, they have been balanced and have factually reported some of the good work that is done in the Parliament. I would like to include the word "resources" because no resources are being put into getting the message about the Parliament—good, bad or ugly—into local papers.

Fiona Hyslop: We must be careful not to prejudice the external communication strategy that is being prepared. However, we can say what we would expect that strategy to contain, based on our study. I think that that is what we are doing, although we might be able to make our points more strongly. For example, recommendation 19 could be strengthened. The Presiding Officer has the responsibility to bat on our behalf and he should have powers to speak for us. Traditionally, he has had a more formal function; the real challenge is to find someone—the Presiding Officer or a convener of a committee—to talk about political content. I think that is where Donald Gorrie's concern about impartiality comes from.

In a sense, the Parliament has missed a trick over the past few years because the Executive has had the content of the political agenda very much under its domination because of the resources that Susan Deacon talked about. Parliament has been reluctant to talk about the politics of what is debated because of the problem about who should speak for the Parliament.

I would like to strengthen recommendation 19; if that means empowering a group, I suggest that the conveners liaison group should get a mention. That group should develop a media strategy in relation to committee agendas.

The Convener: Moving on, I was proposing to put paragraph 157 in bold type. I hate the use of the word “structured”, because it is an adjective that comes from a verb that once was a noun and the pedant in me says that that is not appropriate. However, the essence of the paragraph is correct: we have to have a strategy in relation to the arrangements between the media and the various bodies in the Parliament. At the moment, it is not clear that we have given sufficient thought to that.

On the relations with local government, members will see that we have left “We agree” in paragraph 161. We thought that that was fair enough, because we had agreed with the draft covenant document that the Scottish Parliament, the Executive and local government have a shared responsibility to serve the Scottish people. We discussed the covenant separately from the CSG process.

I suggest that, after paragraph 161, we add a new paragraph that would read:

“We recommend that all parties should support a programme of information to promote greater understanding about the functions of the different parts of government, how these effect people’s day to day lives and the ways in which the parts co-operate to serve the public more efficiently.”

That paragraph probably needs a lot more work—not least the changing of “effect” to “affect”—but the point is that it is not easy for people to work out what is the Parliament’s job as distinct from those of the Executive, local government and so on. We need somehow to tackle that. If you were to ask me for specific examples, I would struggle to provide them, but the objective is worth including.

One thing that came out of the evidence from the Scottish Civic Forum was that the Parliament is not sufficiently close to the forum and does not work with the forum as it might to its benefit. I suggest that, after paragraph 167, which is primarily about the resources that are available to the forum and the effectiveness with which it discharges its important function, we add a further recommendation that would say:

“We consider it to be a significant omission that no concordat, or agreement, exists between the Forum and the Parliament. We recommend that there should be such a concordat, that the Forum and the Parliament should hold discussions at an early stage to draw up such an agreement, covering co-operative action, and that the Parliament and the Executive should ensure that the Forum is resourced adequately to achieve the remit with which it is charged.”

My thinking is that the forum is funded by the Executive and works with the Executive. It does not work with the Parliament clearly or effectively. Whatever changes we might make, the key point is that the Parliament must get into some kind of relationship with the forum and be able to work with it as a partner.

Professor McCrone: My advice is to ca cannie a little, on the ground that, as we have already said, such a recommendation conflicts slightly with the general belief—a proper belief—that unorganised opinion is important. If the relationship with the forum was frozen for ever, however well or badly the forum does its work, that would create a barrier. If you want to keep the lines of communication open, you should think seriously about whether you want something as formal as a concordat.

The Convener: I am thinking about the reverse of that. One point that has come across in the Civic Forum meetings that I have attended is that the forum reaches groups that do not appear before parliamentary committees. The forum has a duty to try to extend its networks and whether it does that as fully or as effectively as we, or it, would like is immaterial to my point. The forum has the capacity to be a significant gateway organisation for the Parliament. The purpose of developing a better relationship with the forum is not to preserve in aspic what already exists; rather, it is somehow to use the forum—or to work with it; I should not say “use”—to achieve our wider objective, which is to engage more widely. The forum’s evidence suggested that that is what it wanted.

Professor McCrone: The difficulty is the perception that that relationship is the sole conduit.

The Convener: That relationship would not be the sole conduit. We talked earlier about working with the Scottish Trades Union Congress, Barnardo’s and a string of other organisations that committee members came up with. The forum exists, it is funded by the Executive and it has a remit, but the Parliament is not closely connected to its work. The Parliament is not getting the benefit that it could from the forum, and I suspect that the forum is not getting the benefit that it could get from working more closely with us.

Fiona Hyslop: The section on the local government-Parliament covenant says:

"We agree with the draft covenant document".

We were also told that there was some disappointment about the time that it has taken to get the covenant in place. I would like to see stronger words, such as, "We recommend that the covenant be implemented as quickly as possible," or something else that gives a sense of the need to implement a covenant.

The Convener: May I butt in? We flagged up some difficulties about the terminology and concept, which might be among the reasons why the covenant has not been fully agreed yet.

Fiona Hyslop: So it is our fault.

The Convener: I am not saying that. We asked some awkward questions about the covenant, although we agreed with the concept. Apparently, we were the only committee that said, "What does this mean?" and, "How would that work?" Everybody else said, "Yeah. That's great." To an extent, the covenant is back on the drawing board. There are other complications, such as the relationship between COSLA and the non-COSLA councils, which is not our concern. However, because of our role in the process, we should not criticise others for being slow.

Fiona Hyslop: Right. We need to come back to the covenant, probably in the section on power sharing. We had some good meetings with local government, particularly about subsidiarity and certain other issues. We should reflect and then see how that fits into the section on power sharing. We should not be afraid of saying that there is disappointment about the relationship between the Parliament and the Scottish Civic Forum. That disappointment might be the result of resources or it might be because of a lack of political will.

I am concerned that we refer throughout the document to relationships with the Scottish Civic Forum. We need to emphasise that the jury is out—on both sides—about whether the forum will be a solution in future.

Paul Martin: I want to raise a similar issue. Fiona Hyslop is right to say that we should consider why the relationship with the Scottish Civic Forum has not been as effective as it could have been. There might be a problem with the name Scottish Civic Forum. What does that mean to the ordinary person in the street? Both the Parliament and the forum need to consider their roles within the relationship. The forum must consider whether, given the Parliament's evolution over the past three years, it wants to reinvent or rebrand itself. I have always been concerned about the name Scottish Civic Forum. We might be serious about engaging with people in our

constituencies, but the name Scottish Civic Forum will not enthuse anyone.

12:00

There must be a two-way process. It is not just for the Executive and the Parliament to reconsider their relationships with the forum. The forum must reconsider its relationship with the Parliament, in the light of our experiences.

The Convener: That is a fair point.

Susan Deacon: I appreciate that we will have further opportunities to debate and decide on specific recommendations. I share the anxieties that other members have expressed about the Scottish Civic Forum. It is important that we are honest in our assessment and evaluation not just of our processes and practices, but of the processes and practices of organisations around us.

In their evidence to us, representatives of the SCF were fairly self-critical at times. They were not certain that the SCF had developed in the way in which they once thought it might. Before reaching a decision about our relationship with the forum, we should consider what is happening now, rather than what was predicted previously. There could be a fruitful relationship between the Parliament and the SCF on specific work that has specific outputs: I recall that the SCF cited in its evidence various examples of work in which it was involved. That is different from suggesting that there should be a high-level agreement with the organisation.

The Convener: Much of what you have said, and the point that Paul Martin made, could be addressed if we replaced the words

"achieve the remit with which it is charged"

with a phrase such as "achieve whatever joint objectives emerge from discussions". The forum's remit is narrower than some of the goals that we hope to achieve.

Susan Deacon: Many of us are still unsure about whether the forum should be singled out in that way. We can return to that point.

Recommendation 20 in the convener's paper refers to

"a programme of information to promote greater understanding about the functions of the different parts of government".

Might the question of the relationship between constituency members and regional list members be dealt with at this point? The issue was raised by a number of people.

The Convener: No. The issue is mentioned specifically somewhere else—I do not remember where.

Susan Deacon: My only concern is to ensure that we have captured the issue and that we reach a view on it in due course.

The Convener: We will note the issue and agree at this juncture that a cross-reference to it would be appropriate in the report, because there is confusion about the relationship between constituency members and regional list members.

I propose to suspend the meeting for five minutes. Parliament has not yet changed standing orders to permit the appointment of a temporary convener, and the deputy convener is not with us. I propose that the meeting continue until 1 o'clock and that we try to reach the end of the section on equal opportunities in the paper.

I reiterate that we are writing proposals into the text of the draft report as a basis for further discussion.

12:04

Meeting suspended.

12:08

On resuming—

The Convener: We resume consideration of our draft report. Members may comment further on the recommendations that relate to the Scottish Civic Forum and local government.

Donald Gorrie: David McCrone and others have expressed concern about the role of the Scottish Civic Forum. We should make it clear that the forum is not the only route for consultation. We could also say that if we succeed in negotiating a concordat with the forum we will explore ways of reaching concordats with other bodies. We want to consult better. The fact that there are some problems about the Scottish Civic Forum should not prevent us from progressing with it and other people.

The Convener: I will move on to equal opportunities. We will see how far we get before members have to leave.

I have made 10 or 11 recommendations on equal opportunities and I have suggested that various paragraphs should be in bold type. I want the paragraph from the CSG report that is quoted in paragraph 169 to be in bold type because it states strongly the objectives for equal opportunities, which is one of the CSG principles. I thought that that was a reasonably strong statement and that it should be highlighted.

Paragraph 176 of the report, which is after the table on page 27, refers to a previous comment in the report. I suggest a cross-reference to an earlier paragraph, but I do not know which one that would be because we are adding new paragraphs.

I suggest that we put in a new paragraph after paragraph 176. It is not a new recommendation; it is a restated recommendation, the inclusion of which I think would be appropriate at this point in the report. The suggested new paragraph would state:

“We repeat our view, discussed in paragraphs x-y of this report”—

the numbers would need to go in later—

“that the concerns identified by the seventh item, ‘outreach’ to excluded groups, should lie at the heart of the Parliament’s ‘outreach’ effort.”

That would respond specifically to the low rating that the Parliament achieves in the seventh area in the table on page 27. That is clearly an area in which there is not a positive score. People are obviously concerned that Parliament should take account of the views of excluded groups, so I felt that it would be appropriate—whether or not we agree on the use of the term “excluded groups”—to flag up that concern again in that paragraph.

Paragraph 182 notes that discussion of the framework document picked up the fact that members were not SPCB employees and therefore could not be bound by the SPCB. I propose that we add the following and make it a recommendation:

“We note from the Framework document that, while the SPCB is not the employer of MSPs, and it cannot therefore apply its equal opportunities policy to members directly, the Members’ Code of Conduct sets out consistent guidance for MSPs in their dealings in the Parliament. We recommend that MSPs should always apply equal opportunities principles in their work.”

In a sense, that would strengthen a commitment that exists in the code of conduct.

I suggest that, having discussed the equality framework document, we add a new paragraph after paragraph 184. The suggested new paragraph would state:

“We endorse the scope and the dynamic nature of the Equality Framework document, and recommend that it is constantly kept up-to-date and that its targets are assessed regularly by the Equal Opportunities Committee.”

That would legitimise the framework document as part of the process of parliamentary self-scrutiny.

I suggest that paragraph 185 should be in bold type. The point about the framework is that it is not just something that the Parliament has done. It has been extensively discussed, is rooted in good practice and is based on the work of many authoritative partners.

After paragraph 186, which deals with the documentation that would emerge, we should add a paragraph that would state:

"We recommend the publication by the Chief Executive/Clerk of an annual equality report, and that consideration is given to debating this report in the Parliament's plenary session."

I am not recommending that the report should automatically be debated annually, but that depending on the issues that were raised and the report that was given it might be appropriate to consider doing so.

I suggest, returning to members' obligations on equal opportunities, that two additional recommendations be made after paragraph 188. Paragraph 188 discusses training and states that members have not responded readily to the offer of training. The committee will remember that Shona Simon gave us somewhat laconic evidence on that point. She stated that it was not often that she had—as a solicitor or a lawyer; I do not remember which—offered free legal training that had not been accepted. We have all been a wee bit remiss. Recommendation 25 states:

"We recommend that the SPCB should consider how such training can be provided in future. It appears that major and imaginative efforts are required in an area which can often appear obscure to non-experts. We suggest that equal opportunities training is offered, and taken up, by SPCB staff and MSPs alike. We acknowledge that the SPCB cannot compel MSPs to accept training, and we suggest instead that it makes such training a condition of the release of money to pay for MSPs' staff."

That refers to money that is provided through the members' support allowance.

The SPCB cannot tell members to accept training, but it can say legitimately that it has to pay, through members' allowances, the salaries of MSPs' staff and that it will do that if members agree to be trained in their responsibilities towards staff. That might put in a bit of leverage that would make MSPs accept the need for training. Greater understanding of the fact that we must respond to legal changes might follow, but as a group, we have not done as well as we should have done.

12:15

The next paragraph that should be included at that point would state:

"The annual staff equality audit which appears in the Framework has the potential to develop staff input to, and interest in, equal opportunities in the Parliament. We recommended that this should be reported on fully by the Chief Executive in his report to the Parliament."

We said previously that the chief executive should report and we should now say that the staff equality audit should be part of the report. We are trying to boost the approach to equal opportunities.

Donald Gorrie: I will reveal my ignorance, which many MSPs share. Should not our staff do training as well? How they treat the public impinges on the equal opportunities issue; it is not just us who need the training.

The Convener: It is probably easier for the Parliament to get our staff to go on training than it is for it to get us to go on training. The point is well made. If the Parliament has no such lever over staff through us, we should consider requiring our staff to undergo training, too. The onus is on us as employers to be aware of our staff's rights and our obligations to them. We have not accepted the need for training, but it is clear that we should do so.

Susan Deacon: My concern is that the section on equal opportunities is a good example of an area in which we are in danger of not getting the balance right between recognising what has been achieved and crossing over the line to the extent that we sound self-congratulatory. That is not to detract from recording what has been achieved. I shall state the obvious and say that we remain an all-white Parliament. There is a critical relationship between the political process, the party process and the machinery of the Parliament itself. If we, as politicians in parties, do not address those issues, we should, as the absolute minimum, recognise in our report the limitations of the machinery of the Parliament.

I am also concerned, as I was in other areas, about the emphasis on machinery and process. The organisations to which we were speaking are, by definition, involved in putting that machinery in place. I note that we held that discussion within quite limited parameters. I recall asking one or two organisations whether they had conducted any research to assess the impact of the process and the machinery that have to be put in place on issues that affect women or people from ethnic minorities. They answered that they did not have the resources to conduct that research. I am not saying that we have not had an impact on the wider public, but I have yet to see evidence that demonstrates how effective or otherwise we have been. Suffice it to say that I would like us to contextualise appropriately the section on equal opportunities to show that we acknowledge that although much has been done, much remains to be done, as somebody famously once said.

The Convener: Although we have not reached that part of my paper yet, I suggest that we highlight in bold type paragraph 213, which deals with the representation of ethnic minorities through co-option to committees. As our clear view is that that should be possible, we will be required to recommend later in the report that—in effect—we repatriate all the procedures to allow us to make those changes. At the moment, primary legislation

presents a difficulty. I appreciate that that is only a facet of what Susan Deacon said, but she referred to that difficulty. I am perfectly happy to accept other suggestions about aspects of equal opportunities that we should address.

I do not think that the paragraph is self-congratulatory. The evidence-taking session that we held with Shona Simon demonstrated that we have not done enough about equal opportunities, not as parliamentarians but as employers, and that we need to do more. We need to lift our game quite considerably across many aspects of equal opportunities and the recommendations try to get that point across. I am quite happy to strengthen the recommendations in any way that the committee thinks appropriate. Perhaps you were about to advise us on that, David.

Professor McCrone: No. I was going to advise the committee on a general point: many of the committee's good recommendations of a general, principled nature are buried in the paragraphs. I am also aware of sins of omission—things that should be in the report that are not. It behoves everyone to consider putting the more general issues at the front of the report and leaving the specifics to somewhat later. For example, Susan Deacon raised an issue that prompted the convener to delve into paragraph 213. Generic issues of principle should be up front.

The Convener: You make an important point. It behoves everyone—what a delightfully archaic expression—to do that. When we have finished this piece of work, which I hope we will this morning, I hope that everyone will pick over it and suggest additional themes, changes in tone or the re-ordering or pointing up of issues that they think have been inadequately touched on. In the second phase of our work, the opportunity to contribute will be open to everyone.

Mr Paterson: I want to raise a point about recommendation 25. I welcome that recommendation, but I seek members' counsel at this stage, rather than later. I agree with Donald Gorrie that members of our staff, as well as MSPs, should be involved in equal opportunities training. It is often staff, rather than MSPs, who are in the front line of the Parliament's dealings with the public.

I also want to raise a point about employment law, duty of care and workers' rights. I do not want to water down what the report says about equal opportunities, but it is obvious that specific equal opportunities areas are implicit in employment law. Should I suggest an additional paragraph on employment law or can we encompass my suggestion into recommendation 25, which tells MSPs that if they do not accept that training, they will not get the dosh?

The Convener: If you want to flesh the report out further, you should bring the form of words that you propose to add to recommendation 25 or to include as an additional paragraph. If you do so, we will consider your suggestion. If members think that your wording does not fit into a certain section of the report, but that it fits in elsewhere, we can discuss that at the later stage.

Paul Martin: I think that training is a wider issue in the Parliament. Since we were elected in May 1999, we have been offered only one training course, on improving our information technology skills. No other form of training has been provided for MSPs, so equal opportunities training could form part of a wider strategy. I appreciate that that does not relate specifically to the convener's point, but it takes on Gil Paterson's point, in that such training is part of a wider approach. MSPs are involved in the decision-making process, which includes employment practices. We should consider what training is in place, but I have concerns about attaching conditions to the release of money to pay for MSPs' staff. I am not sure whether we should take that approach, although I know that we will have an opportunity to debate it. I appreciate that MSPs will not queue up to take part in training modules at the same pace as we want them to, but we have to set out the importance of the legislation. Nonetheless, I have difficulties with relating the compulsion element to the release of funds.

The Convener: Earlier, I suggested informally that members might want to examine recommendation 25. I am not sure about the mechanics of the approach that it suggests, but, in it, I am trying to say that we are not doing something that we should be doing. To impress on people the significance of the issue, perhaps MSPs should not be entitled to money to pay for employing people unless we are prepared to employ them properly. Perhaps there is some saloon-bar wisdom in that, but we have to find a way of saying, "If you are going to employ people, you should be responsible. It goes with the job." I think that we accept that principle, even if the mechanism for implementing it is not entirely clear.

I want to rattle through the report and finish this section at least. I suggest that paragraph 190 should be in bold type, because it calls on the chief executive to reflect items in his report. Paragraph 192 should also be in bold type, because it states important equal opportunities principles. Paragraph 202 should also be in bold type. It is self-congratulatory because it says that the Equal Opportunities Committee is doing a good job and is sensitive to the concerns that people raise with it, but I do not mind saying that about that committee, because it gave us a lot of evidence through its convener and deputy convener. There was a specific criticism from one

witness that the Equal Opportunities Committee was weakening its activities by creating reporters, but the committee felt that that was not correct and I suggest that we agree. Appointing reporters allows that committee to broaden the scope of its work and is not a negative move.

Paragraph 203 says that the Equal Opportunities Committee does not see itself as a watchdog and that the issue of equal opportunities is not just that committee's responsibility. My paper suggests that we consider adding another paragraph. It would not be a recommendation, just an opinion:

"We consider that the position adopted by the Equal Opportunities Committee as facilitator, rather than policeman, is sound."

That provides a platform for saying later that everybody has a responsibility for equal opportunities. We cannot just tell the Equal Opportunities Committee that it has to check the lot and ensure that everyone is following. The protection of equal opportunities is everyone's responsibility.

Professor McCrone: This is slightly facetious, but you cannot use gender-specific language in a paragraph on equal opportunities by referring to a policeman. I have a suggestion that I could give later.

The Convener: I understand the word "policeman" to be entirely gender neutral.

Professor McCrone: You think so? Only firemen can be fire-whatevers.

The Convener: No. They are called firefighters in order to avoid the use of gender-specific language, although I would have thought that fighting was a masculine preoccupation.

I suggest that the last sentence of paragraph 205 could be put into bold simply to emphasise the point, and that we could follow it with a further paragraph that says:

"We therefore applaud the efforts of the Equal Opportunities Committee to promote 'mainstreaming' equal opportunities throughout the work of the Parliament, and all of its committees. We welcome the guidelines to committees on mainstreaming, which will be issued in the near future"—

it is difficult to welcome something that has not yet been produced, but we can welcome the concept—

"and we recommend that all committees should attach the highest priority to implementing them."

That paragraph would support the Equal Opportunities Committee's line on mainstreaming equal opportunities and extending responsibilities across the Parliament.

I suggest that we put the word "all" in paragraph

207 in bold type, essentially for our internal audience. It is worth pointing out that the Equal Opportunities Committee has to examine every bill and it was concerned that it was struggling to suggest amendments to bills that would discharge its responsibilities, given its formidable work load.

12:30

I suggest that we put paragraph 210 in bold type and add a further recommendation that says:

"Notwithstanding any benefits from changing Bill procedures and timescales, we recommend that lead Committees should take a greater responsibility for the equal opportunities aspects of the Bills before them."

That simply repeats our support for the mainstreaming principle.

I have already mentioned paragraph 213, which I suggest should be put in bold type. Perhaps we should make its meaning more explicit, particularly for the external reader. After all, the co-option issue centred on co-opting on to committees representatives of unrepresented minority communities, which foundered on the fact that that is not possible under the law. We very much wanted to change that situation. I also suggest that we should put the last sentence in paragraph 215 in bold type, simply for emphasis.

There are two pages of the report to go. Should we take a couple of minutes more just to finish it?

Members indicated agreement.

The Convener: Paragraph 228 should be in bold type, although I realise that it seems self-congratulatory in light of the discussion that we have just had. I also suggest that we insert three new paragraphs after paragraph 228. Those paragraphs say:

"We have recommended above that the SPCB must provide appropriate equal opportunities training for MSPs and staff, not least to disseminate knowledge about the statutory basis of equal opportunities policies and practices, and clarity about the obligatory nature of equal opportunities, as prerequisites for the creation of a securely based equal opportunities culture in the Parliament."

We have recommended above that there should be an annual staff equality audit"—

we would need to insert a reference at that point—

"and an annual equal opportunities report from the Chief Executive/Clerk, to provide appropriate accountability."

"We recommend that the Finance and Equal Opportunities Committees should consider the creation of an equal opportunities 'expert panel' on the Scottish Budget, as suggested by the Equal Opportunities Commission."

The final paragraph refers to an earlier recommendation.

We should put paragraph 230 in bold type, because both the Equal Opportunities

Commission and the Disability Rights Commission suggested that a lot of research needs to be carried out into equal opportunities. We should also put paragraph 231 in bold type, because there has been a debate about whether we need an Equal Opportunities Committee at all or whether we should simply dissolve it and let the other committees take responsibility for the matter. We agreed with the Disabled Persons Housing Service's view of the likelihood that equal opportunities will be an unending issue for the Parliament and that the committee will always have a role.

Paragraph 231 could be followed by a new paragraph, which reads:

"We recommend that the idea of each committee having a 'champion' for equal opportunities, as suggested by the Commission for Racial Equality, should be considered carefully by the Conveners' Group."

I am not saying that that should happen, but that the group should examine the proposal and come back with a recommendation.

I suggest that we make paragraph 232 a recommendation by adding to it the sentence:

"We recommend that Committees' Annual Reports should cover any relevant equal opportunities activity undertaken in the course of the year."

I suggest that we put paragraph 233 in bold type, because it is a significant statement about what has been done for the deaf and hard of hearing. Finally, because the evidence had touched on religion and cultural minorities, I suggest that we add a paragraph that says:

"The Parliament is acutely sensitive to the range of cultures and religions in Scottish society. We recommend that the Presiding Officer should continue to reflect this diversity in his choice of speakers for 'Time for Reflection', noting that, from May 2000-01 he invited a wide range of speakers from the Buddhist, Hindu, Jewish, Muslim and Sikh communities, and small Christian churches, as well as the Church of Scotland, the Roman Catholic Church, the Scottish Episcopal Church and interdenominational organisations."

Members will recall that we received evidence that suggested that it was inappropriate for the Parliament to take such an approach. We should point out in our conclusions that we think that that approach is appropriate.

Finally, in relation to everything that has come before, we should insert a paragraph that reads:

"We recommend that the Equal Opportunities Committee should commission regular reports on the above and all related practices and initiatives."

I am sure that it will do so anyway.

I seek members' agreement to incorporate the suggested additional paragraphs and changes into bold type into a revised document; to circulate the document to members and our adviser; and to

place it on the web. The document will provide the basis for members to discuss the issues at the next meeting with all the amendments, additions, deletions and changes in emphasis and tone that they feel are appropriate. We can hack over the document and reach a final position. Do members agree to incorporate the changes as the basis for a discussion paper for the next meeting?

Members indicated agreement.

Donald Gorrie: I think that we have also had a humanist at time for reflection.

The Convener: I believe that he or she was interdenominational. However, I am quite happy to add the word "humanist" to that paragraph.

We will produce a revised paper as quickly as possible and circulate it to members. We will also consider the points that Ken Macintosh e-mailed to us in the middle of the night.

Meeting closed at 12:35.

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