



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 19 June 2012

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
10th Meeting 2012, Session 4

CONVENER

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

DEPUTY CONVENER

*Helen Eadie (Cowdenbeath) (Lab)

COMMITTEE MEMBERS

*Margaret Burgess (Cunninghame South) (SNP)

*Bob Doris (Glasgow) (SNP)

*John Lamont (Ettrick, Roxburgh and Berwickshire) (Con)

*Margaret McCulloch (Central Scotland) (Lab)

*Paul Wheelhouse (South Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Libby Anderson (OneKind)

Janice Johnson (Psoriasis Scotland Arthritis Link Volunteers, Psoriasis Scotland)

David McColgan (Scottish Council for Voluntary Organisations)

Margaret Mitchell (Central Scotland) (Con)

Claire Munro (Association for Scottish Public Affairs)

Carol Young (Coalition for Racial Equality and Rights)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

Committee Room 1

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Tuesday 19 June 2012

[The Convener *opened the meeting at 14:30*]

Decision on Taking Business in Private

The Convener (Dave Thompson): Welcome to the 10th meeting of the Standards, Procedures and Public Appointments Committee. I remind members and guests to switch off mobile phones, BlackBerrys and other such instruments that might interrupt us.

Before we get into our round-table discussion, we will deal with one or two short items of business.

I ask the committee to agree to consider three draft reports in private. The reports concern our review of cross-party groups; section 7 of the code of conduct; and the Scotland Act 2012 standing order rule changes. Does the committee agree to take those items in private?

Members *indicated agreement.*

Cross-party Group

14:31

The Convener: The next item is an application for recognition from the cross-party group on aviation. I inform members, just for their information, that if we approve this group today, we will be up to 80 cross-party groups, which is our highest total so far, and we are only one year into this session of Parliament, with four years to go. Members have before them a note of the group's application, from which it can be seen that the group meets all of the criteria—the current criteria, at least—for registration.

Do members agree to accord recognition to the proposed cross-party group on aviation?

Members *indicated agreement.*

Review of Cross-party Groups

14:32

The Convener: The next item is oral evidence as part of the committee's review of cross-party groups. This will be a round-table discussion, which will enable us to explore the issues that were outlined in the discussion paper, which everyone should have received. Members and witnesses have had an opportunity to consider the paper. I propose to take us through the issues in the paper in the order in which they are set out. It might not be possible to do that, as we may well stray across issues. The first issue concerns the number of cross-party groups.

I do not propose to ask members or guests to give introductory statements but, before we begin, it would be helpful if each member and guest could introduce themselves briefly, starting with my deputy convener, who is on my right.

Helen Eadie (Cowdenbeath) (Lab): I represent the Cowdenbeath constituency and am a member of two committees of the Parliament.

Janice Johnson (Psoriasis Scotland Arthritis Link Volunteers, Psoriasis Scotland): I am from Psoriasis Scotland, which is a small charity.

Margaret Burgess (Cunninghame South) (SNP): I am the MSP for Cunninghame South, which includes Irvine, Kilwinning and Stevenston.

Libby Anderson (OneKind): I am the policy director of OneKind. I am also the secretary of the cross-party group on animal welfare. I can speak about that group today, but not for it.

Bob Doris (Glasgow) (SNP): I am an MSP for Glasgow and am a member of seven cross-party groups.

Margaret Mitchell (Central Scotland) (Con): I am a convener, deputy convener and member of several cross-party groups.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I am the MSP for Ettrick, Roxburgh and Berwickshire in the Scottish Borders.

David McColgan (Scottish Council for Voluntary Organisations): I am the policy officer for the Scottish Council for Voluntary Organisations.

Paul Wheelhouse (South Scotland) (SNP): I am an MSP for South Scotland.

Carol Young (Coalition for Racial Equality and Rights): I represent the Coalition for Racial Equality and Rights. Our organisation provides secretariat services for the cross-party group on racial equality in Scotland but, like Libby

Anderson, I am here today to represent my organisation, not that group.

Claire Munro (Association for Scottish Public Affairs): I am a committee member of the Association for Scottish Public Affairs, which is the representative body for the public affairs sector.

Margaret McCulloch (Central Scotland) (Lab): I am a Central Scotland MSP. I am on two cross-party groups, and I am the vice-convener of the Scottish Parliament and Business Exchange.

The Convener: I am the MSP for Skye, Lochaber and Badenoch. I am on six, or seven—I have lost count—cross-party groups. I was on many more, but I have cut them back. I am the convener of two groups and the vice-convener of another.

Who wants to kick off the discussions, ask a question or make a point? Everyone is very shy.

Libby Anderson: One of my comments is the first one quoted in the discussion paper, so I suppose that I should volunteer and plunge in, rather than have you press people into service.

The first issue that has been raised is the number of cross-party groups. From talking outside with my colleagues and from my awareness of what MSPs think, I think that is definitely one of the main issues. The question is whether that militates against the cross-party groups working well and being well thought of within the Parliament. It appears that the groups are a victim of their own success.

The group that I am associated with has been going since 1999, and it has a loyal band of external supporters who come even if only one or two MSPs are in attendance because they find the meeting so informative. The best thing that we can do when there is not a good attendance of MSPs is to provide detailed minutes. There is interest among MSPs, but we all recognise that the parliamentary calendar is so full that it is impossible for members to cover all the interests. That is undoubtedly a problem that the committee has rightly picked out.

One suggestion is, controversially, to look at reducing the numbers by decision by MSPs in the new session, as is done in the European Parliament, when the political groups come together and decide on a limited number. Another suggestion, which might be a bit more inclusive, is to have a central diary management system. I think that the SCVO—I am referring to Paul Wheelhouse's remarks—has already raised that idea, whereby particular slots are set so that members know when a cross-party group time is. If the process is centrally managed, it is possible for slots to be allocated and the groups would have to fit in with that allocation, and, hopefully,

the members would feel that they can commit that time to the cross-party groups.

Janice Johnson: I agree with much of that. Many of the cross-party groups are health related, and sometimes their interests overlap and they are looking for the same clinicians to attend. Various people have already given an opinion on that, so, perhaps, as Libby Anderson says, there could be a chart or something that could be worked out on a computer so that meetings do not clash. A diary would help a lot, because it is proving difficult to get the doctors along who are wanted.

Margaret Burgess: Given that Janice Johnson is with a health group, has she considered whether there is any merit in having fewer health groups, with a slot for each interest within it, such as heart, strokes, psoriasis, diabetes? Would that work?

Janice Johnson: I suppose that if there is a common issue, then, yes, all the people could get together and deal with it, but what the issue is would need to be decided.

The Convener: There is obviously a problem with the number of cross-party groups, given that there is a limited number of MSPs. Libby Anderson is right in saying that the groups are a victim of their own success. They have been successful, but the more successful they become, the less time the MSPs have to come along to them. At the moment, a minimum of two MSPs need to attend. I know that that happens in practice, but often both MSPs will not attend for the whole of the meeting. We need to look at that issue as well.

We are already beginning to stray into the other discussion areas in paper 2. Does anyone else have any particular comments on how we might address the numbers issue?

Paul Wheelhouse: I am grateful for Libby Anderson's introductory remarks on some of the issues around CPGs. When I started attending CPGs as a new member, I had expectations about what that would involve for me as an MSP. I feel sometimes that there is a revolving door of MSPs coming in and out of CPG meetings. I am not pointing a finger at other MSPs—I have had to do that myself. Not only does it disrupt the meeting—even if someone comes in quietly, everyone stops to see who has joined the meeting, or they have to be introduced—it means that the quality of the input from the MSPs who attend is curtailed. I am well aware that MSPs do not seek to do that. They find themselves forced to do it because of the number of causes that are important to them. There is a conflict when different CPGs that an MSP belongs to meet at the same time. We need to do something about the diary management side of things.

On the issue of the number of CPGs, the options seem to be either to limit the number that can be set up or to change the criteria that MSPs and others are required to meet before a CPG can be established. We could massage the criteria so that it becomes more difficult to establish a CPG. If MSPs had to commit to attend meetings, that would manage the number of CPGs in a natural way. The number of MSPs who have to sign up before a CPG can be created could be increased to set a higher threshold. That might provide a more natural barrier to the proliferation of CPGs that I have seen even in the one year that I have been in the Parliament.

Margaret Mitchell: The committee approved another CPG today, on aviation, which brings the number of CPGs to 80. That is a high number. I would not like to say anything that would stop the formation of a good and worthwhile CPG. However, there is a case for looking at the CPGs that exist and reflecting on how often they have met, how many MSPs have attended and what they have achieved. It may well be that a CPG that was started with the best of intentions has fallen by the wayside and members would be quite happy to disband. If we were to do that on a voluntary basis, that might cut down the number.

I caution against more formalised timetabling. What makes a CPG work is one person, usually the convener, plus possibly the vice-convener and one or two others who are totally committed to it. Whatever they do, they will make space in their diaries to facilitate that meeting and to ensure that the CPG members can come. Specific time slots would impinge on the diaries of MSPs, which are impossible to predict. I think that the whole system would grind to a halt very quickly.

Bob Doris: One of the issues with having so many CPGs is how many of them, including ones that I am involved with, really live up to the spirit of what a CPG is intended to be and how many of them are parliamentarian-led forums. If 20-plus stakeholders who are interested in a particular topic or theme come along to a CPG and one or two MSPs listen to what they have to say, how meaningful is what the MSPs take away—especially if those MSPs are involved in several CPGs?

I wonder whether we need to look more at what the purpose of the CPGs is in the first place. Sometimes, the stakeholders get more benefit from the CPG that Carol Young provides secretariat support for than the MSPs do. What the CPG for racial equality in Scotland does is almost capacity building in the sector. Is it a CPG or is it a parliamentarian-led forum for discussion with various stakeholders?

I am keen to know how many of the 80 CPGs are doing the job that CPGs were set up to do and

how many of them perhaps fulfil a different purpose. We could have rules to provide for both types, so that expectations are tailored in a certain way.

14:45

Helen Eadie: I will feed in my experience as an MSP over the years. I tried repeatedly to set up a cross-party group on Remploy, but nobody would join that cross-party group. I do not think that that was down to the badness of any MSP; it was just a reflection of the sheer number of commitments that they had to other issues. Over the years, there has never been a debate in the Parliament in which MSPs have not stood up and voiced support for Remploy workers. I took the view that, in that circumstance, I had to be creative and find another way. Some may question it, but I set up the friends of Remploy in the Parliament, which was about Remploy people coming to the Parliament and interacting with me on the issues that troubled them. Over the years, the stakeholders and I have built up a presence in the Parliament that has never gone away.

It is about the public coming to the Parliament and telling us the issues that they want us to take forward and what the most pressing issues are. I support what Margaret Mitchell says. I was very much pro the idea of having a diary such as Janice Johnson has suggested, but the dynamism of responding to issues urgently and quickly sometimes means that parliamentarians have to slot meetings in whenever they can, in order to react.

I do not have a definitive view one way or the other, but there is certainly merit in what colleagues suggest. Yes, it would be good to have a diary but, for the reasons that Margaret Mitchell has given, that could be difficult. Nevertheless, we must remind ourselves all the time that we are here to represent the widest possible concerns of the people of Scotland and that we must feed their views into ministers, the chamber and all the rest of it.

David McColgan: The SCVO would be concerned about limiting the number of cross-party groups in the Parliament. Cross-party groups are often a voice for the smallest charities in Scotland, which can come into the Parliament, engage and feel that they are part of the parliamentary and legislative process. However, we need to think about a cultural shift in cross-party groups, and people need to temper their expectations. There are not going to be 50 MSPs at every cross-party group—that is just not possible.

In a former life, I was the secretariat support for the cross-party group on sport. We realised that

we did not need to have 11 meetings in a parliamentary year and moved to five or six meetings a year. We focused our work on what was happening in the Parliament when setting the agenda, making the agenda relevant both to the sector and to the parliamentary work that was going on. After that, we saw the number of MSPs at our meetings double and even triple—it even got into double figures, which I believe is a very good turnout for a cross-party group.

In the beginning, when a cross-party group is being set up, we need to understand that we cannot have every MSP at each meeting. Once we get into the process—Bob Doris talked about this—of thinking about what cross-party groups are for and whether they meet the criteria, and if we use them in the best way that we can, we may start to see MSP take-up rise in the future.

Claire Munro: I agree with what David McColgan says about not wanting to restrict the number of cross-party groups and with what Paul Wheelhouse says about a more natural management of how they work. ASPA would support that. ASPA has 54 members from every type of organisation that you can imagine, including commercial consultancies, sole traders, charities and organisations such as mine, which is a representative body for the third sector.

We would like a higher quorum for the number of MSPs in attendance. We were in the minority of people who recommended that, but we think that, if a group is healthy and viable and if it can attract three MSPs, it is likely to survive in the longer term. I speak from direct experience of the cross-party group on housing, which generally attracts those numbers. David McColgan's point about getting things right at the start of a group is really important.

The group on housing has an effective agenda that is produced well in advance so that everybody knows what the topics will be and has the chance to contribute. The topics are usually current and important issues. ASPA would like effective support for the secretariat. Perhaps the Standards, Procedures and Public Appointments Committee clerks could provide support to ensure that the website is kept up to date, so that what is to be discussed is publicised well in advance to give as many people as possible the opportunity to attend. If the groups are healthy and viable and function well, they will survive.

Margaret Burgess: I have slight concerns. As a member for the past year, I believe that there are too many cross-party groups and that some of them do not meet the criteria that Claire Munro has just laid out but have existed for a while and are surviving. I have a slight concern that organisations think that the only way in which they can engage with the Parliament is by being part of

a cross-party group. However, I have had lots of engagement with small organisations that I did not previously even know existed. That has happened not through cross-party groups, but through meeting groups here in the Parliament and in my constituency. That is similar to Helen Eadie's experience with Remploy.

Some cross-party groups perhaps do not need to exist. Some of them have not even met in the current session. There might be a fear that organisations cannot engage with MSPs and the parliamentary process if a cross-party group is not set up. Therefore, we need to consider other ways of engaging and how to reassure groups that MSPs are available at all times to connect with small organisations.

That could involve groups coming together into larger ones. For example, there are dozens of cross-party groups on health issues, whereas if there were one or two that dealt with specific topics at certain times, MSP attendance might be better. When I first came to the Parliament, with the best will in the world, I put my name down for a cross-party group because I was interested in it, thought it was a great thing and wanted to be involved in it, but I then discovered that I did not have enough time to be involved in it. However, I keep up my connections in other ways. I have slight concerns that the number of groups continues to grow because that is how the sector thinks it can engage with the Parliament, when there are many other ways of doing it.

Margaret McCulloch: One of the first things in my mind is about the acceptable number of cross-party groups. If we continue as at present, the number will grow and grow. When will somebody call a halt and say that we have reached saturation point and there is no space in the booking system for more groups? Margaret Mitchell made a good suggestion about monitoring the number of inactive groups. Is it possible to monitor the groups annually, which would naturally reduce the number of inactive groups? We would need a set criterion, which would be if a group did not have X amount of meetings in a year.

Janice Johnson mentioned consultants. If there are more and more cross-party groups under different banners when they are actually in the same field—let us take health again as an example—the consultants or experts will not come along to all the groups, because they just physically will not have time. The situation probably dilutes the input from experts to cross-party groups.

The Convener: A few points have come out of those comments. One was about the short visits that MSPs pay to cross-party groups if they have more than one group on or if they have other events, given that, when the cross-party groups

meet, various other sponsored events take place in the Parliament. What do our guests think about the value of an MSP showing face for perhaps 20 minutes, coming in halfway through a presentation, and then leaving to go to another group? Is that valuable? What are your views on that process? A lot of MSPs attend out of courtesy and do their best to get to maybe three or four different things in one evening. How valuable do you find that?

David McColgan: Obviously, it is not ideal. We would love you all to stay for an hour, an hour and a half or however long the meetings run. However, when I was engaged with the cross-party group on sport, our thinking was always to address the key issue in the first 20 to 25 minutes of the meeting. We recognised that many MSPs would come along for the first 25 minutes but might have to leave—for example, some MSPs had to nip away to attend parents evenings. We accept that your lives are not lived around Holyrood and that you sometimes have things to do outside. We always tried to engage with the issue and get the interesting stuff out there at the earliest point, and we encouraged MSPs to contact us at a later date if they wanted to follow up on anything that they had heard. For example, when we had a presentation on the Commonwealth games sports legacy, we had about 10 MSPs for the first half hour and their number dwindled after that. However, MSPs got back to us after the event to say, "That was a really interesting presentation. How can we follow it up?"

Margaret Mitchell: As Bob Doris said, the question is what the purpose of the MSPs at such events is. It is wrong for groups to think that they need an attendance of MSPs in double figures—somebody at a meeting even told me that they had expected 47 MSPs to be there and that it was a waste of time because they were not. That is totally unrealistic and misunderstands the value of cross-party groups and what they can do. There could be two MSPs in attendance, who would look at the issue and undertake to ask a parliamentary question on it, consider a members' business debate on it or feed in evidence on it to a committee in the Parliament. There are umpteen different ways in which two or three committed MSPs could take issues forward.

The crux of a really good cross-party group is the people who form it outwith the MSP group—the MSPs are almost facilitators. Those people come forward with the issues and the MSPs can then speak to a colleague about them or suggest whether there is something coming up on the agenda that they may be particularly interested in. They can also follow up the issues in written questions or a members' business debate, or they can feed them into the work programme of the parliamentary committees.

If the committee took anything away from today's meeting, I would like it to be that it is not necessarily a numbers game—how many MSPs attend the groups; it is the effectiveness of what is done with the MSPs who attend that is important. I think that a quorum of two MSPs is absolutely fine if they are both committed. Making the quorum three would not add anything other than a problem in trying to get a third colleague to attend.

Libby Anderson: I support what Margaret Mitchell has just said. It is not the numbers but the quality and engagement that count. Going back to your question, convener, we very much appreciate MSPs coming to the meetings even for 20 minutes. I am always conscious of the fact—and I remind our group members of it—that these are MSP groups and the rest of us are just decorations. We are quite useful and informative, but we are there to service and to interest and engage the MSPs in the issues that they need information on. The MSPs who attend must have a commitment to and an interest in the issue, and they must want to do something about it.

Claire Munro: Our submission talked very much about what would indicate a healthy group, which is why we recommended a quorum of three MSPs. However, I should have added the caveat that, at the moment, a group needs a representative from all the parties. We feel that, with the change in parliamentary arithmetic, it is no longer necessary for the Liberal Democrats and the Greens to put somebody forward for all the groups. If the group is a good long-term prospect, it should be able to attract three MSPs.

It would be difficult to place a restriction on MSPs nipping in and out. For example, an MSP with a long-term commitment to a group might have to attend a parents evening on the same evening as the group meets. In addition, cross-party groups are by their nature a wee bit more informal than some other aspects of the Parliament. They are held in the evenings, so there is also an element of people giving up their free time to attend them. It would therefore be difficult to place restrictions on whether people can go in and out of the meetings.

15:00

Carol Young: I broadly agree with what Libby Anderson said and I agree with Claire Munro that we appreciate the impact of even one or two MSPs being a member of a CPG. MSPs' involvement with groups is the most interesting aspect. It would certainly be good to get the number of CPGs down by removing those that are ineffective. However, if they are ineffective, they cannot be taking up much of MSPs' time in the first place. MSPs are not attending them, so removing ineffective CPGs will not necessarily

reduce individual MSPs' workload from attending various CPGs.

As an outsider to parliamentary activity, I do not know how well information is spread to MSPs about the benefits of CPG membership. However, it must remain a personal choice for an MSP whether to be a member of a CPG and it should depend on what an MSP is interested in, because that is what makes their membership so effective.

The MSPs' lists of interests show that one in particular is a member of 23 CPGs and convenes and co-convenes a great number of those but that another MSP is a member of only one CPG, which meets infrequently. There has to be a way in which we can encourage MSPs who do not engage with CPGs to take on a little more responsibility in that regard. It seems that, although there is a lot of great stakeholder engagement with CPGs, there is not a lot of engagement with them across the Parliament, which seems a little unfair to those who do put the effort in.

The Convener: It is probably fair to say, though, that some MSPs are members of CPGs but rarely attend, if ever.

Carol Young: Absolutely.

Paul Wheelhouse: If we avoid the suggestion of limiting the number of CPGs and other suggestions that people are clearly not in favour of, should there be an expectation that an MSP who signs up to a CPG will actually attend, even if they do so for only 20 minutes of a meeting? That can at least help to build up their understanding of issues, even if they are unable to participate in questions and answers afterwards. If they see an initial presentation, that can add to their knowledge base.

Should there be a presumption, however, that an MSP signing up to a CPG should attend at least one meeting a year and do so for a reasonable amount of time, not just for two minutes—so that they can say that they attended—before heading off? I do not know how practical that suggestion is, because we currently do not collect data on who attends CPG meetings, how often they do so and for how long. We will probably come on to that issue later. However, could there be guidance for MSPs not to join a CPG unless they intend to attend the meetings for at least some time during the year?

The Convener: We will touch on the collection of data, reporting and scrutiny later.

Libby Anderson: Part of me agrees with what Paul Wheelhouse said, but another part says that we should not prevent MSPs from joining CPGs, because that would mean that they would not receive information through the minutes about the

interaction and engagement with stakeholders. When they know that an MSP member of a CPG has received that information, stakeholders feel that they can approach them about it. There are therefore two sides to the argument about MSPs' membership of CPGs.

Paul Wheelhouse: If the Parliament website was kept up to date with CPG minutes, MSPs would have access to that information and all the CPG papers. That might be one way of dealing with the problem; at the same time, we would know that MSPs who signed up to a group have committed to participating actively in it.

Libby Anderson: Well under half of CPGs seem to publish minutes on the website at the moment, although I agree that if they all did that, CPG information would be much more accessible.

The Convener: That is a good point.

Helen Eadie: Margaret Burgess raised an issue to do with the number of health cross-party groups. In recognition of that very issue, we set up the cross-party group on arthritis and musculoskeletal conditions, which embraces a range of health conditions, such as osteoarthritis, rheumatoid arthritis and osteoporosis. Janice Johnson and I had a discussion about a possible conflict with her group, which deals with psoriatic arthritis, and we have tried to avoid that.

Not only have we taken an umbrella group approach but we have agreed to have some joint meetings with the cross-party group on chronic pain, as that is an area on which a bit of collaboration is possible. Perhaps people could consider collaborating in that way in areas in which some duplication is perceived to exist.

The Convener: At a recent meeting, Dr Carman gave us some information about the caucus system that operates in America. If I recollect correctly, he said that, when they tightened up the criteria for formal groups, there was an explosion of caucuses, which are informal groups—there is no control over, for example, who can be involved in those groups, what they can do, what they do in relation to lobbyists and how they are funded, because they are not in any way part of the regulated system.

Earlier, there was a suggestion that, if we found a natural way of limiting the number of groups, issues could be picked up informally, and that we should perhaps be looking to encourage that. However, in light of the American experience, would that be a good idea? If we tightened up too much and prevented cross-party groups from forming, I suspect that we would end up with a lot of informal groups. Would that be a good thing?

Claire Munro: I am not sure about informal groups, but one of the strengths of the current

cross-party group system, in line with the founding principles of the Parliament, is that it is quite open and welcoming. Some people are a member of a cross-party group because they are an expert in the field or whatever, but others come to cross-party groups only once—because, for example, they work in the field of osteoporosis and want to attend a meeting that deals with a specific topic. Anecdotally, I understand that there has been an issue with people who are not members of the group not being allowed to attend. It would be good if people who were not members were able to attend on a one-off basis. I know some people who are not at all interested in politics but who, funnily enough, attend some of the health cross-party groups. If the groups continue to be formal cross-party groups, the level of accessibility to such people can be preserved, as you will still have some control over them.

Margaret Burgess: Just to be clear, when I talked about other ways of engaging, I was not suggesting for a minute that there would be subversive groups or groups that set up informally in competition with existing groups; I was simply saying that the fact that certain cross-party groups do not meet regularly or are not well attended does not mean that people who are on those groups cannot engage with parliamentarians. In other words, if the members of a group do not have the support or the wherewithal to ensure that their group is active—which, as someone said, might mean that the group disappears—the topic area does not necessarily have to be inactive, because the members of the group can still engage with politicians.

If we restrict the groups too severely—for example, by saying that there will be a maximum number—we will run the risk of groups setting up in different ways, perhaps with lobbyists and various sources of funding. I do not think that that is the way in which we wish to proceed.

We need to consider issues such as how often the 80 groups meet. As has been said, some groups do not even publish minutes. We need to consider whether there is a need for those groups or whether they are running simply because they ran previously and make an application at the start of every session. It might be that the members of groups that do not meet very often could join other groups or consider engaging in different ways.

Margaret Mitchell: Can I just clarify a point? My understanding was that two MSPs had to be present before the minutes could be put on the website. Is that right?

The Convener: Yes. Two MSPs need to be there, but as I understand it there is nothing to say for how long. Two MSPs would need to be there, one of whom would be the chair, but if the second one decided to leave after a short while, nothing in

the rules at the moment would prevent that. I believe that the meeting would still be quorate.

Margaret Mitchell: It might be good to tease out whether the groups that do not publish their minutes do not do so because they have difficulties with the quorum or are just not bothering.

The Convener: That is a good point.

Paul Wheelhouse: One of the strengths of cross-party groups, which I think has been picked up by Claire Munro and others, is that by their nature—because they are regulated and are in Parliament—they are open to scrutiny. That gives a degree of transparency and integrity to the process of engagement between parliamentarians and external bodies, whether charities, business groups or others.

As an MSP, I find it reassuring to have that kind of forum, in which we can engage with stakeholders about policy issues without the press saying that there is something not quite right about that engagement. If we were engaging on a one-to-one basis or if we had some not subversive but informal group outside Parliament—one that met off-campus—the degree of honesty and transparency we have about what works in the Scottish Parliament would be diluted. The cross-party groups are a real strength of the Parliament and, whatever we do to reduce their proliferation, we should not throw the baby out with the bath water.

Margaret McCulloch: Is it possible to state that cross-party groups must meet X times a year? When they reapply, the application form could ask how many meetings they had in the previous year. Failure to achieve the required number would be a way of naturally disbanding the group.

The Convener: A number of submissions mentioned that—views varied between two, three and four meetings a year. Some groups meet monthly and others much less frequently. That is not surprising, because groups meet for different purposes. A combination of the suggestions—for example a minimum of two meetings a year—might help us to keep the numbers low. I do not know whether committee members feel that that would be sufficient.

As Margaret Mitchell suggested, the production of minutes could be monitored, and if minutes were not produced, we could check whether that was because the meeting was not quorate and had no formal basis. We could ensure that the website was always up to date, so that everybody knew when groups were to meet, and that minutes and so on were on the website.

The issue of performance in that regard takes us on to the issues of reporting and scrutiny. We

could look at a minimum standard for reporting. If groups do not get up to that minimum standard, it could be suggested to them that they had six months to get their act together or we would withdraw their approval. That sort of approach might help us to move forward.

Paul Wheelhouse: I do not know how much of a problem this is, but we have party-political group meetings at different times in the week. If a CPG meets on a Tuesday evening, the Conservative group might be affected. If it meets on a Wednesday lunch time, the Scottish National Party group is affected. I do not know when the Labour group meetings are—

Helen Eadie: Tuesday.

Paul Wheelhouse: I am a member of the CPG on skills, which always seems to meet on a Wednesday lunch time, and I can rarely, if ever, attend it. I wonder whether there is an issue there. I suppose that there is a responsibility on the team organising the CPG to change things around, at least occasionally. I am not saying that they should avoid those times but they should try to share out the available times on a reasonable basis so that MSPs can attend. It is possible to get slips from group meetings but MSPs cannot do that for every cross-party group, and they have a responsibility to attend their group meetings, too.

The busiest time of the week for CPGs is often Wednesday lunch time, which is when the SNP group has its meeting. The statistics that we got from the clerks for the first stage of the reform of the parliamentary week, which are mentioned in the paper, show that CPGs meet predominantly on a Wednesday lunch time or a Wednesday evening. That issue might need to be addressed, too.

15:15

David McColgan: To pick up on what Paul Wheelhouse said, the cross-party group on sport held meetings at breakfast time, lunch time and in the evening from Tuesday to Thursday and did not notice that the time of the meeting had any effect on the number of MSPs who turned up. MSPs turned up because the agenda was relevant. That is the point that I was trying to make earlier. It is a case of ensuring that the agenda is relevant to the Parliament and to the sector that runs the group.

We did not have a strong view on how many meetings a year a cross-party group should have. I suspect that it would be a logical solution for groups to have to have at least two meetings a year. They should have, at least, an annual general meeting plus one other meeting that would show some form of activity and relevance to the Parliament. A natural way of looking at the number of CPGs would be to look at CPGs that have just

an AGM every year, at which they vote in a convener and a deputy convener.

It would be really helpful, not just to parliamentarians, but to other interested parties, for minutes of meetings to be published online. For example, in my role at SCVO, there are probably about 15 or 16 cross-party group meetings a week that would be of interest to me, but it would just not be possible for me to attend them all. Publishing minutes would provide transparency and would show what was going on.

Libby Anderson: I have something to add on accountability. To qualify what I said previously about minutes, there is a technical issue, in that minutes cannot be published until they have been approved at the next meeting, so they might not be available for three months. That means that the group's members will have received them, but the public will not be able to see them because they will not have been posted. One way of getting round that would be to publish them as draft minutes. That might help people to know that there was activity going on.

On the annual returns that are submitted, there used to be a question about the number of MSPs and the number of external stakeholders who had attended. Our group was in the habit of including, in addition, a brief synopsis of what each meeting covered. That was very simple to do. I do not know whether that is still a requirement, but it would not take much scrutiny to see that a group had four meetings, each of which was attended by three or four MSPs. That would be quite easy to do.

The Convener: We received more than 40 submissions, which is really good. An issue that a number of them raised was that of whether there should be a standard format for the annual report, requiring a minimum range of information, such as the number of MSPs who attended each meeting and so on. I am not talking about anything too onerous—just a pro forma that each group would have to fill in. At the moment, some groups comply with the rules and produce annual reports, whereas others do not. I do not think that the rules lay down any sanction against those groups that do not produce annual reports. Would it be a good thing if all the groups had to complete a short pro forma?

Helen Eadie: That reminds me of a time when the international development group provided one of the best annual reports; I do not know whether it was Des McNulty who did that or whether it was the secretariat who acted on the group's behalf. I have not looked at some of the more recent annual reports, but rather than apply sanctions, we could offer a distinction or merit award to the group that provided the best report. There are two ways of changing people's behaviour—the carrot

and the stick. I just plant that thought in the convener's mind.

The Convener: You are obviously much nicer than I am—you are the carrot and I am the stick.

Helen Eadie: It is just a thought.

Claire Munro: In that regard, I wonder whether the destination of the annual reports and what happens to them might be relevant.

Given the criticism of CPGs as talking shops that has been made by some people, including in some submissions, I think that if the groups were to produce some output, whether mandatory or not, that had a proper destination at the end of the parliamentary year—for example, it might be submitted for consideration to the relevant committee, minister or department—that might supply a useful extra perspective on issues; important issues that are not yet being considered might even be uncovered.

Helen Eadie: I have gone on to the internet to see what the all-party groups at Westminster are doing and have found some of their reports really helpful. I am not saying—especially not in front of my SNP colleagues—that Westminster does everything right, but those groups have carried out some really good work that can allow parliamentarians to get another political angle on a matter. The sort of annual report that Claire Munro has suggested, which would set out a number of comprehensive recommendations and suggestions, would give good pointers to parliamentarians who were keen on an issue but who found themselves unable to get to the cross-party group meetings; indeed, it might generate a whole range of parliamentary questions, motions and all the rest of it.

Margaret Mitchell: I wonder how chuffed ministers would be at the prospect of all those reports landing on their desks.

On a more serious note, the fact that ministers attend the meetings of many cross-party groups during the year is itself a key indicator. Cross-party groups have to be organised; after all, the minister simply will not come if he does not think that a group is discussing anything of value or relevance. No one has to wait for a report to land on the minister's desk; the dialogue is interactive and happens there and then.

The cross-party group on adult survivors of childhood sexual abuse, which was started not by me but by a Labour colleague, Marilyn Livingstone, has achieved a phenomenal amount; for example, it managed to secure funding of more than £1 million to allow people to take a holistic approach to work in the area. There are certain tangible things such as ministers coming along to meetings and highlighting issues on which groups

have moved forward that show that the groups are doing some valuable work. That allows people to tease out where their value lies. Of course, not all cross-party groups will achieve such results, but they might have merit in other ways.

Given that cross-party groups carry out such good work, I wonder whether every month there should be a chamber debate on cross-party group business, with the very best groups being picked for the slot. In a sense, that would be their reward and might help to bring their work to the Parliament's attention. Just now, of course, the only way of highlighting what cross-party groups are doing is through members' business debates, but that still requires an MSP to choose to use their own time after 5 pm. If such a slot were created in parliamentary business, we could recognise some of the good work that cross-party groups are doing.

Paul Wheelhouse: I support Margaret Mitchell's comments. Over the course of the year since I joined the cross-party group on sport as one of its vice-conveners, three ministers have come before us: Shona Robison; John Swinney, who talked about the role of sport in preventative spend; and, at our last meeting, Derek Mackay, who talked about local government issues. In response to David McColgan, I say that I believe that that has helped to boost attendance.

I like Margaret Mitchell's suggestion about the ability to sponsor a chamber debate. The one members' business debate that I have led was very much driven by the work of the cross-party group on armed forces veterans and its stakeholders, and I was supported by other cross-party group members in getting that slot. That option is certainly available, but the MSP in question has to make it clear that the debate itself is being driven by the cross-party group instead of personal interest. The suggestion that we find some way of airing an important issue raised in a cross-party group is quite attractive, and I certainly think that it would provide additional support to cross-party groups if they felt that there was a vehicle for promoting their chosen cause.

David McColgan: The production of annual reports might not be such a huge issue to groups with an external secretariat, because they would see it as an opportunity to summarise the work done over the year. However—and this might be a consideration for elected members—if the cross-party group convener's parliamentary assistant is the group's note-taker, will the onerous task of producing the annual report fall on them?

I have seen both sides of the issue. I have seen cross-party groups that have an external secretariat, who set the agenda, take the minutes and take on all those considerations, and I have seen cross-party groups where that onus is very

much on the elected member who is the group's chair. That is something to consider when you are thinking about annual reports.

The Convener: We have heard a lot of information and views. The clerks have been scribbling all the way through and have taken plenty of notes, as have I. We have ranged over a number of the issues, which interlink. We have touched on things such as reporting and scrutiny. What other issues arise? The minimum number of meetings has been mentioned and there seems to be general agreement that two meetings per year would be a reasonable minimum number.

Another issue was the timing of AGMs. My understanding of the submissions was that most folk—but not all—were suggesting that AGMs should be held one year after the group was set up; if all the AGMs had to be held by the end of May or June, there would be a glut of meetings at that time, which might exacerbate the problem. What do members and witnesses feel about that?

Paul Wheelhouse: I support that option. The AGMs should be staggered in a natural way that coincides with the year ending for the cross-party groups.

The Convener: That seems to be the general consensus. Are there any further points?

Helen Eadie: There is still a question about the amount of money. There is a £500 threshold and one of the submissions that we received stated that that was

“rather low for a Group to function without bureaucracy.”

The suggestion was that it should “be extended to £1000.” What are people's views on that?

Libby Anderson: I was not terribly sure whether all the written submissions had answered the same questions that I had. It seemed to me that that is only a threshold for registration—it is the point at which groups have to declare interests, as do elected members. As far as I understand it, the group can have as large a budget as it wants.

The Convener: The level of budgets varies hugely. Some groups have zero—nothing at all. Some groups have a higher amount—I am trying to think of the highest. Is it £10,000?

Paul Wheelhouse: It is £22,000.

The Convener: That is a huge budget, compared with those of an awful lot of other groups. There is justification for a number of budgets. Some groups have to produce materials in different forms, such as braille, which adds cost and expenses. However, it is concerning when big money goes into groups and you wonder what it is being used for. We need to be careful about groups' purposes.

Margaret Mitchell: Could we tease out what is involved in that £500 threshold? Much of the administration will be electronic now, and therefore should not add too much cost. There might be a cost in providing tea and coffee. Thereafter, any major costs would come from an event, unless something such as a report or booklet was commissioned. It would be good to have more clarity and openness about what the money was being used for, especially with regard to any potential lobbying. The Parliament has never had a problem with that—we are open and accessible—but it would be helpful to clarify that aspect.

The Convener: It might be useful to include that in a pro forma annual report—a wee note of expenditure, how much had been spent and on what. It need not be anything too complicated, but it would be reasonable to suggest that that information goes into an annual report.

There are a few other issues to address, but I would like to get feedback on whether there is anything that committee members or our guests feel that we need to discuss further this afternoon.

10:30

Bob Doris: Are we merging—

The Convener: We are sort of flowing across. We have scooted through reporting and scrutiny, and we will come to expectations in a minute.

Bob Doris: We are still on issue 3.

The Convener: Yes. Are you okay with that?

Bob Doris: That is fine.

The Convener: It looks as though we have nothing more to discuss on reporting, scrutiny and so on. Let us move on to expectations. What do people expect from cross-party groups? I suspect that there are a variety of expectations.

David McColgan: I should have made my opening remark my last remark. Going back to what I said at the beginning, it would be good for the Parliament to engage with people at an early stage when they are setting up a cross-party group, to make them understand what is involved in a cross-party group, that there are 80 other groups and that they will not get 47 MSPs turning up at any group meeting—that is just not possible.

Some of the suggestions in the paper are good. If people understand that there will be at least two meetings a year, they will have a minimum expectation. That will not just help members of the public; it will help MSPs to understand their engagement with a group at the beginning. Many of the organisations that came along to the cross-party group on sport came to meet an MSP whom they would not meet in their normal line of work.

The Scotch Whisky Association—which is mentioned in the paper—talks about a “CPG set-up meeting”. I am not suggesting that the clerks meet 80 organisations at the beginning of each year, but perhaps some briefing can be produced or perhaps MSPs can explain what is involved to someone who is looking to set up a cross-party group.

The Convener: You are suggesting that there should be some initial help at least from the committee clerks.

Carol Young: The paper contains a suggestion by the Scotch Whisky Association that there should be an “initial ‘CPG set-up meeting’”, which is similar to what David McColgan suggested. I can see the value in that, but it would be better to have a piece of written guidance that is user friendly and clear about the purpose of cross-party groups and how they operate. The initial set-up meeting might be helpful to the people who are involved at the early stages, but those who come along later in the day are the ones with whom we often have the biggest problems in explaining the purpose of the groups.

Our group involves everything from very small community organisations that are not politically confident and would not yet have the confidence to engage with MSPs outside a group setting right up to the more politically literate organisations. However, those politically literate organisations are sometimes the ones that do not get the point of cross-party groups. It can get to the stage at which they almost want a cross-party group to become some kind of scrutiny committee, which is the role of the parliamentary committees. Often they do not understand that the fact that a CPG is an informal discussion forum that is open to people of all political allegiances is the benefit of it, because that allows people to be more free and open in the exchange of discussion. It would be really useful to have a standard document to which people could be referred if they had any questions about the operation or the purpose of the groups.

The Convener: That is a very good point. When I was looking through the submissions, I found that the views on the purpose of cross-party groups varied enormously. The committee needs to address the purpose of groups in its guidance and must try to come up with something that is fairly clearly defined so that people will know exactly what to expect. Some folk come to groups expecting the groups to accede to their wish to write to a minister about a particular point. Groups do that, but there needs to be consensus in the group that the issue needs to be addressed in that way. People come with personal issues and broader issues, and they can all be relevant.

It will be difficult for us to draft a purpose that covers what we want it to cover without being restrictive or too expansive. There is a wee job for the clerks to draft something that we can look at. We need to temper expectations, because the last thing that we want is people going along to groups expecting X and getting Y, and then being disillusioned and disappointed.

Janice Johnson: There is one little issue. Obviously, Holyrood is in Edinburgh. Would it be possible to use videolinks sometimes, as people who are really interested in a subject might have to travel a long distance to get here? Has that issue ever been considered? Is the use of videolinks feasible?

The Convener: The use of parliamentary facilities is part of the question. I think that, currently, the use of videolinks would probably not be allowed for cross-party groups. People have to travel here; indeed, I know that people in one or two groups of which I am a member travel a fair distance to meetings. If they do that and the meeting lasts for an hour, they will wonder why they spent four hours getting to it. Perhaps they will have to stay overnight or take four hours to get back home late at night. As a Highland MSP, I understand their views. Perhaps videoconferencing would be useful for such folk, so perhaps we need to consider the use of videoconferencing facilities. The approach works in certain circumstances. It works with small numbers, but I am not convinced that it works with bigger numbers. There are all sorts of practical difficulties with them.

Helen Eadie: I hear what you say, convener, and accept some of your qualifications, but I like Janice Johnson's proposition. We could be creative and look at how we engage with other Parliaments in other countries and learn from other all-party groups in them. I am not speaking about only the Westminster Parliament, but about Parliaments much more widely across Europe. There are Parliaments whose size is similar to that of the Scottish Parliament, and we could perhaps learn a lot from one another. I see the matter not only in a Scottish context, but in a wider European context.

This morning, I was at a meeting of the European and External Relations Committee, which is dealing with all sorts of issues that we need to get our teeth into. In particular, there is the voluntary sector's engagement with European funding issues. Around 59 funding streams have been identified in the course of an inquiry that we have done, but how many people in the voluntary sector in this country or across Europe appreciate that? Perhaps there could be a bit of collaboration in our European work as well.

Margaret Burgess: In principle, I do not have anything against videoconferencing, but in practical terms, when I have been involved in it before, an information technology person has required to be there virtually all the time to arrange and set up the videoconference. If three cross-party groups all want to have a videoconference on one night and people are in various areas, that is logistically quite difficult to organise. Videoconferencing is all right for one small meeting that involves six people if it is known where the sixth person is and where the connection is to, but we need to think about the implications of extending it more widely. We need to think about not only the cost implications, but the logistics involved in having an IT person always available to make the connection. There also needs to be organisation when the connection breaks down, as it always does.

Bob Doris: I will not comment on IT, videoconferencing or Skype; rather, I want to go back to managing the expectations of non-MSP members of cross-party groups, as outlined in our briefing paper. I have a slight issue with the phraseology that is used, because I want non-MSP members to have high expectations of cross-party groups. The issue is ensuring that people have the correct knowledge of the purposes of cross-party groups and, once they have that, raising their expectations of what cross-party groups can do.

I will give an example. On behalf of the Presiding Officer, I chaired a couple of seminars on cross-party groups in the festival of politics last summer, I think. Various community groups were invited along, and we gave examples of the work of cross-party groups. Those sessions were fantastically well attended.

It would be useful for members of cross-party groups to attend a seminar once or twice a year—perhaps organised by this committee—on what the groups do and how one can be an effective member of such a group. Members of cross-party groups do not necessarily know what to do. I sometimes use the expression “capacity building”, but that demeans the members of cross-party groups even though I use it quite a lot.

I will make a comparison from my experience in chairing two cross-party groups, on housing and on racial equality in Scotland. The Chartered Institute of Housing Scotland, the Scottish Association of Landlords or Shelter, for example, have the capacity to take a paid professional approach in engaging with politicians. However, a community stakeholder group that is involved in black and minority ethnic politics is busy delivering at the coal face. Engaging with the Scottish Parliament may be a new and positive avenue for such a group, but we cannot expect those two

different types of organisations to approach cross-party groups from the same angle.

There is an unequal playing field in terms of effective engagement by members of cross-party groups, and it would be helpful to have some form of induction programme. As there is a period of flux and cross-party groups can emerge perhaps twice a year during a parliamentary session, some form of induction programme that members of any cross-party group can attend to find out more about the group's intended purposes and how they can be an effective member would be positive. It is important to issue information in the form of leaflets and documentation, but a face-to-face person-led approach would be beneficial too.

Paul Wheelhouse: The issue of remote access via videoconference is interesting, but I share Margaret Burgess's concern about the resource implications and issues around out-of-hours working for people such as our broadcasting colleagues with regard to changing contracts and so on. Even if external financing was available, that would change the nature of cross-party groups, and they would become much more elitist in the sense that organisations would have to be able to afford to fund them.

We can address the issue in another way. Libby Anderson spoke about the quality of information on the website and whether we could get the draft minutes up before they are approved by the cross-party group. That would help to generate interest and make it easier for someone who is coming from a distance to understand the subject matter of the previous meeting and see the agenda for the next meeting.

Plenty of cross-party groups do not even have the agenda for their next meeting up on the site, let alone minutes from previous meetings. That is the responsibility not of the clerks, but of the cross-party group, which must get the information to the clerks so that they can put it up on the site. If we can get that sorted so that better quality information is available to people outside the Parliament, they can decide whether it is worth their while coming along because there is a minister speaking about a particular subject or a particularly important presentation by a stakeholder group. That would help in addressing that issue, because at present cross-party groups are operating in a vacuum.

David McColgan: On the issue of videoconferencing, at the end of the last parliamentary session the cross-party group on sport met outwith the Parliament at a sports venue so that MSPs could discuss topical issues. I am not sure about whether we are going to start condoning cross-party groups travelling the country and holding meetings; I do not think that that is a sensible way to do things. However,

thinking differently, perhaps there are other ways to meet rather than just in a committee room, which might alleviate the pressure on the facilities in the Scottish Parliament.

Margaret Mitchell: It would be a good idea to make training available at some point in order to give the necessary pointers about what can and cannot be done. High expectations are fantastic, but unrealistic expectations are wrong and a different matter altogether. It is not the first time that members of a cross-party group have assumed that, because it is a parliamentary group, they have powers that are almost quasi-judicial or official. That must be clearly spelled out.

I agree absolutely that innovation would be good. We should consider whether groups have to meet in the Parliament and whether we can get more interest or raise awareness through meetings outside the Parliament, although that would have to be on a reasonably selective basis. Those are all good ideas to put into the melting pot.

15:45

The Convener: We have discussed a range of points. We have plenty to get our teeth into when we think about how to proceed later this afternoon.

Does anybody want to raise any points more generally before I wind up the discussion?

Margaret Mitchell: One aspect that we have not touched on is an organisation providing a secretarial service or help. It has been suggested that, on request—and it would only be on request—the committee could dig a little deeper and look at that organisation and its members. For openness and transparency, that would certainly be a good thing to do. That should not be done routinely, but it should be possible if requested, just to ensure that there is no undue influence coming in by the back door.

Paul Wheelhouse: One thing that has been a bit of an irritation to committee members is that, when we receive applications from cross-party groups, it is sometimes not clear exactly who the secretary is. A name is given, but there is no information about the organisation that they represent or their reason for providing the service. We need to tighten up on that and ensure that no application comes to us that is not absolutely explicit about why a person is offering their services as secretary and whether they are being paid for it. We want to be clear about that to preserve the transparency and integrity of the CPG system.

The Convener: The new parliamentary regime that will commence in September, with committees meeting in the mornings and plenary sessions in

the afternoons, will have an effect. There will probably be more MSPs in Edinburgh to attend group meetings on Tuesday evenings. Lunch time meetings between 12 and 2 will be feasible on a Tuesday and Wednesday, and even on a Thursday.

Paul Wheelhouse: I have one point in support of that, convener. The proposed cross-party group on postal issues has decided, just in the last week, to meet on a Tuesday evening, precisely because that is the less congested part of the week. The changes are already having an impact.

The Convener: Yes. The new regime might ease the pressure a little. If we can come up with a number of other proposals that will work together to ease the pressure, that would be great. Cross-party groups are a hugely valuable element of what we do in the Parliament. It is great to get people into the Parliament who can have direct influence. I agree with Bob Doris that we need high expectations but, as Margaret Mitchell said, we do not want unrealistic expectations.

Cross-party groups have achieved an awful lot. Some of them have achieved lots of relatively small things, but others have achieved bigger things. I do not want whatever we do to damage that in any way. As we produce our report, the foremost thought in our minds must be about the need to ensure that the cross-party groups develop and benefit from anything that we recommend and that they are not hindered in any way. I see that as our main purpose and role as we proceed.

I thank our guests for giving us their time this afternoon. We will ensure that you get a copy of our report in due course, once it is printed and published—it will help you go to sleep one evening.

Paul Wheelhouse: Those are high expectations, convener.

The Convener: Yes. We move into private for the rest of the meeting.

15:49

Meeting continued in private until 16:53.

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