



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 28 February 2013



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**Thursday 28 February 2013**

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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**3<sup>rd</sup> Meeting 2013, Session 4**

**CONVENER**

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

**DEPUTY CONVENER**

\*Helen Eadie (Cowdenbeath) (Lab)

**COMMITTEE MEMBERS**

Brian Adam (Aberdeen Donside) (SNP)

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

\*Richard Lyle (Central Scotland) (SNP)

\*Margaret McCulloch (Central Scotland) (Lab)

\*Fiona McLeod (Strathkelvin and Bearsden) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

George Adam (Paisley) (SNP) (Committee Substitute)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

**CLERK TO THE COMMITTEE**

Gillian Baxendine

Alison Walker

**LOCATION**

Committee Room 6



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Thursday 28 February 2013*

[The Convener *opened the meeting at 09:30*]

### Decision on Taking Business in Private

**The Convener (Dave Thompson):** Good morning, members. Welcome to the third meeting this year of the Standards, Procedures and Public Appointments Committee.

I remind members to turn off any mobile phones, BlackBerrys and suchlike.

We have received apologies from Brian Adam. I welcome George Adam in his place.

Under agenda item 1, the committee will decide whether to take in private agenda item 6, which is on the approach to local motions. Do members agree to do so?

**Members indicated agreement.**

## Cross-party Groups

09:30

**The Convener:** We will deal with item 3 on the agenda before item 2.

Under agenda item 3, the committee will consider a change of purpose for the cross-party group on psoriasis and psoriatic arthritis. I should tell members that I am the convener of that cross-party group, and I am happy to take any questions on the matter.

As members can see, the proposed change is fairly simple. Part of the group's purpose has been taken out—I think that that part was superfluous—and the rest of the purpose has been tidied up.

As members have no questions, are they content with the proposed change of purpose for the cross-party group on psoriasis and psoriatic arthritis?

**Members indicated agreement.**

**The Convener:** We will now deal with item 2 on the agenda. I welcome to the meeting Richard Simpson, from whom we will take evidence on the proposed cross-party group on rugby. Members have the papers; let us move to questions.

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** My question relates to the cross-party group on sport, which already exists. How will the proposed new cross-party group differ from it? Obviously, its focus would be on rugby, but how would its objectives differ from those that the cross-party group on sport already covers? Have you already tried to pursue through the cross-party group on sport the objectives that you are trying to promote through the proposed new cross-party group on rugby?

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** The answer to your last question is no, not specifically, but obviously sport is a much broader area.

I have been involved in rugby and trying to support it for most of my adult life and certainly during my time in Parliament. The reason for setting up a cross-party group on rugby at this point is that there are new features of rugby that we want to pursue. We put information on that in the terms of reference.

Specifically, rugby is one of the areas that is the subject of community payback funding. Members will see that one of the aims is to look at how community rugby is being funded and is developing. The aim is to provide a degree of parliamentary cross-party scrutiny of that.

Secondly, although we have managed to increase the number of people who play rugby, we still have significant problems, despite the two very good recent results for the national team. Over the past 15 or 20 years, rugby has dipped in national performance—as other sports have—and it has dipped because the player base has decreased massively.

I was also stimulated into proposing to colleagues that we should have a cross-party group on rugby because we need to challenge health inequalities. A concern that has been raised with me is that, although the community development elements were quite successful, they tended to restore rugby in schools in which it was previously played rather than look at the development of rugby in schools that had never done rugby, which tend to be in deprived areas. Therefore, the proposed new group also fits into our health inequalities agenda somewhat. That is not really a main focus of the cross-party group on sport, which is much more focused on general sporting activity.

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** You have talked about community rugby and taking rugby out of its comfort zone and into other areas, so why does your proposed group have only one organisational member—Scottish Rugby?

**Dr Simpson:** At present, we have only one organisational member, but our intention is to invite schools, clubs and any organisation that participates in rugby to join.

I should add that we are not talking just about 15-a-side rugby or 13-a-side league rugby; we are talking about all forms of rugby, including touch rugby and street rugby. A variety of forms of rugby now exist.

Let us consider touch rugby, for example. There are 200 touch rugby teams in Auckland in New Zealand. They are all promoted by businesses so that, in addition to the competitive spirit, there is a team-building spirit in workplaces. One of the objectives of the proposed group is to work with the Scottish centre for healthy working lives to encourage businesses to get involved in the promotion of adult fitness through touch rugby. In turn, that will create a base of people who are interested in rugby, which will have spin-offs into other things.

**Fiona McLeod:** Do you have a strategy for recruiting the local clubs that already exist and for approaching businesses?

**Dr Simpson:** We have not yet defined the strategy, but we will look at how we take that forward in our first meeting. There is already a pretty good structure in rugby, with the clubs and the schools.

Another problem that we have at the moment is the fact that, although rugby is played at all the independent schools, it is played at only a few state schools. One problem is that the junior teams tend to be linked to clubs—that is fine—but the junior teams in the clubs do not play the teams from the independent schools; in fact, they withdrew from the one attempt that was made to stage a competition. Therefore, there is—if you like—an equalities agenda, or an agenda to get things amalgamated.

The situation in rugby is not that different from the situation in general sport, because the Scots participants in the Commonwealth games team or the Olympic team come predominantly from private schools rather than state schools. There is an issue of equality and ensuring that the message is spread.

As a cross-party group, we have a big job on our hands. One reason for creating the group is that I do not believe that the Scottish Rugby Union has been engaging in such work quite to the extent that it might have done. Providing a degree of parliamentary scrutiny and civic linkage may help—I will not put it more strongly than that.

**Richard Lyle (Central Scotland) (SNP):** I have two questions. How often will the group meet? I note that in the section of the registration form entitled “Financial benefits or other benefits received by the group”, you have put “None”. Will secretarial support not be required? Will the cost of someone’s time in doing reports, preparing agendas and sending out information not have to be met? Why did you not include a cost?

**Dr Simpson:** We have not yet worked out how often we will meet, so we do not know what the costs will be. The SRU has agreed to provide the secretarial support, but it has not yet given us a budget for that. We intend to submit that information as soon as we have it.

**Richard Lyle:** So you would amend your paperwork.

**Dr Simpson:** We will submit an amendment to it once we know what the costs are likely to be.

**Margaret McCulloch (Central Scotland) (Lab):** Did you hold a pre-meeting with all parties to discuss the proposed group before you submitted the application?

**Dr Simpson:** I have had individual discussions with a number of MSPs. You will notice that the list of MSP members reflects the fact that it will be an all-party group. In addition, it will have men and women on it. I think that that surprised one or two people, but women’s rugby is a big growth area, which we are keen to encourage.

I am very grateful that Clare Adamson agreed to be one of the group’s deputy conveners. Patricia

Ferguson, who is the Labour spokesperson on culture and sport, has also signed up. A deliberate attempt has been made to make the group an inclusive and all-party affair.

**Margaret McCulloch:** If you are given approval, do you intend to write to all the other organisations after your first meeting to see whether they want to be involved?

**Dr Simpson:** That is our intention. We definitely want others to be involved. Having an internalised affair involving just MSPs and the SRU is not what we want to do at all. We will very much look to get the schools involved. We have had some expressions of interest, but there is almost a chicken-and-egg situation, in that when we say, "Would you be interested in this new group that we are forming?", people say, "Yes, once it is formed, we will take part."

**Margaret McCulloch:** Do you have a list of names of organisations that definitely want to join the group?

**Dr Simpson:** Yes, we have a few, although not that many. I am pretty confident that a number of clubs will want to join. Actually, since the item has been on the agenda, one or two people have already been in contact with us without our having to contact them.

**Margaret McCulloch:** Who has expressed an interest?

**Dr Simpson:** Edinburgh Accies, for example, has been in touch, as have Madras College and Stirling County rugby clubs. That is to name just three.

**The Convener:** Are there any other questions?

**Helen Eadie (Cowdenbeath) (Lab):** Dr Simpson, can you give us an indication of what your priority items for future agendas might be?

**Dr Simpson:** The first agenda will be on community development. We intend to get a presentation from the Scottish Rugby Union community development officers, who are funded by the community payback scheme. We want to know what they are doing, which schools they are working in, how they are working and what the results are. The agenda for the first meeting will be set by the community development officers.

Beyond that, we will deal with some of the issues that I have raised, such as tackling health inequalities and promoting healthy living within the workforce. Those are some of the items that we are considering. However, I would rather wait for the meeting so that people from outside the Parliament can get involved in helping to set the agenda rather than have it set by a small group of MSPs.

**Helen Eadie:** Given the purpose of the proposed cross-party group, is some of what you plan to do really a substitute for what the Government should be doing? For example, the purpose is,

"To promote Rugby in all its forms at all levels",

but that might be seen as a sportscotland or Government function. The aspect of encouraging both women and men might also be a Government function. Will you try to raise awareness by focusing on those things that are not being done, which you intend to do something about?

**Dr Simpson:** It may surprise you but, although I am a Labour MSP, I am not going to be critical of the Government, because it has actually done quite a lot, particularly through community payback orders.

Over the past three or four years—or perhaps even six or seven years—there has been a considerable development of the sport. Our job will be to ensure that that development is going in the right way. At the moment, I do not think that the Health and Sport Committee has an adequate focus on rugby, which is one of the big sports in Scotland. Quite rightly, the Health and Sport Committee is more concerned about the general facilities, general school development, physical activity and so on. By focusing on rugby, we can see whether the Government's money is being used effectively by providing further scrutiny.

**Richard Lyle:** Further to Helen Eadie's question, I note that a cross-party group basically promotes the subject that it is established for. A cross-party group can help a particular organisation to access officials or organisations that it would otherwise be unable to get in touch with. In general, a cross-party group promotes the whole ethos of a good group.

**Dr Simpson:** Yes, that is a fair comment, I think.

**The Convener:** As there are no further questions from members, I thank Dr Simpson for his evidence. We will consider the application in the next agenda item.

**Dr Simpson:** Thank you.

09:45

**The Convener:** Agenda item 4 is the decision on whether to recognise the proposed cross-party group on rugby. I think that a couple of points came out of that very interesting discussion. First, the group will not know what its financial benefit will be until it knows its programme. Secondly, it will write to other organisations and bodies to get members.

I suppose that the question in front of us is whether we feel that those issues should have been dealt with before this stage or whether it is legitimate for groups to be created in an embryonic form, if you like, and for them to follow matters up afterwards, such as the number of meetings. Dr Simpson gave a full response to all our questions, but our discussion prompts the question whether the group should have some idea of how often it wants to meet, the issues to be discussed and what secretarial support will be required.

We can either approve the application and wait for the group to send us the detail or ask it to have an informal meeting to sort out who it is going to write to and invite to join the group, how many meetings it will have and the likely cost to the Scottish Rugby Union. Those are the two options. I would appreciate members' comments.

**Helen Eadie:** I have no problem with the agenda items or topics to be discussed. Dr Simpson answered the questions about those reasonably well and I was comfortable with what he said. I was also comfortable with what he said about expenses. He covered that and said that the SRU would provide the secretariat.

I note what Dick Lyle said about the aims of the group, but I would draw a contrast with the stark, clear, simple submission of your cross-party group on psoriasis and psoriatic arthritis, convener, whose change of purpose was approved earlier. My understanding is that applications should be as short and simple as that. I do not intend this to be a criticism of the Scottish Government, but parliamentarians, even in Opposition, can get into dangers in trying to assume the mantle and thinking that they can do the Government's job for it. That is not what cross-party groups are about. As your group's new purpose suggests, they are about raising awareness and understanding of issues, and they are about giving access to officials, as Dick Lyle rightly said.

There is a risk that the proposed group will not set off in the right direction. Perhaps it will want to rethink its aims and objectives and come back to the committee. That would be helpful.

**The Convener:** Thank you for your comments, Helen.

**Fiona McLeod:** It is important that we spend some time picking this apart because this is the first time we have gone through this process.

I agree with Helen Eadie. The preparedness was not there today. The members who are involved have had an idea for a cross-party group and they have explored it among themselves as MSPs, but only one institution or organisation is involved. We have not been given a clear understanding that there is a desire beyond MSPs

to have a cross-party group on rugby, and I think that such an understanding is important. Greater involvement would also help the proposed group with its aims and objectives, because what is stated in the application is the aims and objectives of a very small group of people.

We were told that the part of the paperwork on costs will be amended. If we approved the application, would we be setting up a system? If we put down a marker and said, "You can put your papers in and then amend them," on what basis would we be making decisions? Perhaps the marker that we should put down today is to say, "This is the first time. We're sorry that you're the guinea pigs, but we need a lot more before we can make a decision."

**Richard Lyle:** I agree with the comments that Helen Eadie and Fiona McLeod have made. We need to consider all the cross-party groups and, as John Lamont said earlier, we already have a cross-party group on sport. I am quite happy to have a cross-party group on rugby, and Dr Simpson seemed very enthusiastic. Unfortunately, because of the change in rules, he had to come up against the committee. None of us who are on cross-party groups have had to do that before.

When we get into financial benefits, people have to start to look at what the costs are—for clarity and also to meet the regulations—so we need to ensure that the proposed group comes back to us on costs. I am quite happy to go along with the comments of Helen Eadie and Fiona McLeod.

**Margaret McCulloch:** The problem is that the information has been gathered, but it has not been documented. When I asked Dr Simpson about the other organisations that are involved, he mentioned three of them. Possibly, he could have got them to add their names to the application form in the first instance. The information exists; it is just that it has not been captured and put on the application form.

**John Lamont:** I will expand on what Dick Lyle said about Richard Simpson's response to my earlier question, particularly as regards the fact that the proposed group has not tried to pursue its objectives through the existing cross-party group on sport.

I understand what Richard Simpson was saying about the broad area that is covered by the cross-party group on sport and the nature of what he and others are trying to achieve through the new group. However, in light of where the new rules came from and in light of our previous discussions about cross-party groups—particularly about the number of cross-party groups—I would be more sympathetic if they had tried to pursue their agenda through an existing group and then decided that it was not an option, as opposed to



not trying at all. I am not unsympathetic to the creation of the group, but we have to bear in mind why the rules were changed.

**Margaret McCulloch:** The cross-party group on construction has a sub-group on construction skills. One option might be to have a rugby sub-group in the cross-party group on sport.

**The Convener:** Those are all useful points. Members will probably agree that we should write to Dr Simpson—given our discussion, which he will be able to read in the *Official Report*—and ask him whether, as a start, the proposed group could have its informal get-together with the various bodies and so on that it plans to include and get more of those bodies to agree to put their names forward.

The proposed group could also assess the potential financial benefits of Scottish Rugby providing the secretariat and it could possibly have a wee look at its aims in order to simplify them and make them a bit sharper. We could also ask whether the proposed group should approach the cross-party group on sport to see whether it would be willing to form a sub-group on rugby. Does that summarise what members think we should feed back to the proposed group?

**Margaret McCulloch:** I want also to say that I found it beneficial to have Dr Simpson in committee to explain his rationale for wanting the cross-party group on rugby. It was more useful than just reading about it on the application form. It gave me a lot more knowledge and understanding about it, which was good.

**Richard Lyle:** The application form needs to be overhauled and updated. In particular—I can see where Dr Simpson was coming from—it says in one section:

“For organisational members please provide only the name of the organisation, it is not necessary to provide the name(s) of individuals who may represent the organisation”.

If you look at the form, it has all the MSPs listed on it—there is a big space on the form to fill in that information. However, if you turn to that organisational members section, you only have one line.

Perhaps a factor to consider for future applications is that, where the form asks for details of the

“Financial benefits or other benefits received by the group”, a more precise or concise explanation of what we are looking for is needed. Sometimes you can fill in the form and then come along to the committee and suddenly realise that you have not put in this or that, so maybe the form requires updating as well.

**The Convener:** Perhaps there could be a little more guidance on what is required under the aims, for instance, so that people are clear. That could be incorporated into the form. The code of conduct probably adequately covers that, but perhaps the application form needs a sentence or so to draw people’s attention to those aspects.

**John Lamont:** I am thinking of the question that I put. Is it worth asking the question, “Have you tried to pursue these objectives through the existing cross-party groups?”?

**The Convener:** I suggest that we get the clerks to come back to our next meeting with a paper on looking at the application form. We can discuss that paper in detail and pick up some of the points that have been made.

**Margaret McCulloch:** The application form could also ask whether there has been a pre-group meeting with interested bodies. That is quite a good thing to do. We did that: we wrote to all the organisations that we thought would be interested and had an initial meeting before we put an application form together in order to see whether there was interest.

**Helen Eadie:** That is a really good point. If applicants could be asked to evidence who have been partners in discussions, it would remove the necessity for that particular question. It would be really good if we had that understanding, and it would be very good if applicants could be encouraged to keep their aims really short and sharp. Other examples could be looked at. The proposal by the convener’s CPG, whose change of purpose has been approved today, is a perfect example of keeping things short, sharp and to the point. That is good.

**George Adam (Paisley) (SNP):** I applaud the group’s aims and objectives, which Dr Simpson talked about, but I really like Margaret McCulloch’s idea of a sub-group of the cross-party group on sport, specifically from an organisational point of view and to reach the aims and objectives.

Locally, we will all be aware that most sports now work within a hub environment. If there is a sub-group of the cross-party group on sport, it will probably have more chance of reaching its aims and objectives and of putting forward its case within the bigger group. That might be a way forward for quite a lot of groups.

**Richard Lyle:** When was the form first established and last amended? It would be interesting to know that. The clerks are always amending things.

**The Convener:** We had a look at the form in our recent review of cross-party groups, but I do not think that you were a member of the committee at that time. What has come up in this

first meeting under the new rules has sparked off a few other things that we perhaps need to look at again.

**Fiona McLeod:** Talking about the form has all been very interesting, but my feeling is that it should not be amended on the first outing. We can take note of all the thoughts that we have had, perhaps let things run through a couple of meetings, and then really firm up our thoughts—otherwise we would probably change the form after every application we saw. Perhaps we could look at the form again after three applications, but we could put out a note to folk that says that there are things that they should think about adding in.

**The Convener:** I was going to suggest that the clerks could let the people who will submit the next cross-party group application know that they would be wise to take into account the issues that we have discussed. I think that I agree with Fiona McLeod: let us have two or three applications under our belt before we get a paper on revising the form. Are members happy with that proposal?

**Members** *indicated agreement.*

**Margaret McCulloch:** People who are going to start a new cross-party group can have an initial meeting with all interested parties, complete the application form, and come to the committee. I was thinking about that. Richard Simpson was asked about what the agenda would be for the group's first official meeting. Would it be a good idea to have that documented as well and brought forward to the committee? That will be discussed at a pre-meeting anyway, and an agenda will have to be sent out.

**The Convener:** One line in the application form states:

"Please also provide an indication of the topics which the Group anticipates discussing in the forthcoming 12 months."

Your idea of finding out what issues will be discussed at the first meeting is useful. You would have thought that the members of the group would have thought about that.

10:00

**Helen Eadie:** The fact that that question was overlooked when the application form was completed shows that the members have not given serious regard to that issue. There might be an argument for people to think about having a foundation meeting, which might ensure that there is a much sharper focus on all the various aspects and that people are much more detailed in their thinking.

I agree with George Adam and Margaret McCulloch. The idea of sub-groups under a main group is a good way forward. The cross-party

group on industrial communities works in that way, as does the cross-party group on heart disease and stroke. There are all sorts of groups that can be set up in that way. That broadens out the Parliament and ensures that many more people can get involved.

**The Convener:** I think that we are clear on what we have agreed to do. We have all the notes that we need. We will write back to Dr Simpson and get a report back from the clerks in due course.

## Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc) Order 2013 [Draft]

10:01

**The Convener:** Item 5 invites the committee to agree our approach to scrutiny of the draft order to restructure the Commission for Ethical Standards in Public Life in Scotland, in order to allow the roles of the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland to be carried out by a single commissioner.

Members will see in the paper that we have previously indicated to the Scottish Parliamentary Corporate Body that we are content with the policy proposal to create a single commissioner post, so we are not discussing that point today. As we have already accepted the principle, would the committee be content to scrutinise the order once it is introduced rather than consider the draft order at this stage?

**Fiona McLeod:** I am content to go along with that suggestion. I would like one point to be clarified, though. Paragraph 12 of the note on the order says:

"The references in the Code of Conduct to the Public Standards Commissioner will also need to be updated. It is suggested that this might best be done when a revised edition of the Code is required".

Should there be an interim cover note to address the fact that there will be only one commissioner, until we do a revision? I do not know whether that is possible.

**The Convener:** We can get the clerks to have a wee look at that. Would you be happy with that?

**Fiona McLeod:** Yes.

**The Convener:** Are we content not to consider the draft order at this stage, and for the references in the standing orders to the two commissioners to be updated, alongside the other minor rule changes, in a paper that we will consider after Easter?

**Members** *indicated agreement.*

**The Convener:** That ends the public part of the meeting.

10:03

*Meeting continued in private until 11:02.*



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