



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 7 November 2013



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**Thursday 7 November 2013**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>775</b>
<b>CROSS-PARTY GROUP (APPLICATION) .....</b>	<b>776</b>
<b>COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND (ANNUAL REPORT) .....</b>	<b>781</b>
<b>CROSS-PARTY GROUP (APPROVAL) .....</b>	<b>802</b>

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

**CONVENER**

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

**DEPUTY CONVENER**

Helen Eadie (Cowdenbeath) (Lab)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)

\*Cameron Buchanan (Lothian) (Con)

\*Richard Lyle (Central Scotland) (SNP)

\*Margaret McDougall (West Scotland) (Lab)

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Stuart Allan (Commissioner for Ethical Standards in Public Life in Scotland)

Richard Baker (North East Scotland) (Lab)

Ian Bruce (Commissioner for Ethical Standards in Public Life in Scotland)

Colin Keir (Edinburgh Western) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Gillian Baxendine

Alison Walker

**LOCATION**

Committee Room 6



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Thursday 7 November 2013*

[Fiona McLeod opened the meeting at 09:30]

### Decision on Taking Business in Private

**The Temporary Convener (Fiona McLeod):** Good morning, ladies and gentlemen. Welcome to the 14th meeting in 2013 of the Standards, Procedures and Public Appointments Committee. I have received apologies from Dave Thompson and Helen Eadie, our convener and deputy convener. Having been chosen at the previous meeting as the temporary convener, I will convene today's meeting.

I remind members to turn off their mobile phones and BlackBerrys.

Agenda item 1 is a decision on whether to take in private at future meetings our consideration of a response from the Parliamentary Bureau on Presiding Officer and Deputy Presiding Officer elections and responses to the committee's consultation on the review of parliamentary reform. Is the committee content that we take those items in private?

**Members indicated agreement.**

## Cross-party Group (Application)

09:31

**The Temporary Convener:** Item 2 is evidence from Richard Baker MSP on the proposed cross-party group on the Scottish economy. I welcome Richard to the meeting.

**Richard Baker (North East Scotland) (Lab):** Thank you, convener.

**The Temporary Convener:** Do you have an opening statement to make before we move to questions?

**Richard Baker:** Yes. We had a very successful cross-party group on the Scottish economy in the previous two parliamentary sessions, which is one reason why we are keen to re-establish the CPG in this session, too.

We are all—across the political parties—agreed on the importance of the economy to the future of the country and our prosperity. The cross-party group will allow us to draw together all the different strands of economic interest in society, including the business community, to discuss various topics of interest. There are individual sectoral cross-party groups, such as those on oil and gas and construction, but this forum would bring together all the different discussion strands to talk about a number of subjects that affect the whole of the economy. For example, future topics that such a group could discuss include exporting, productivity, university and industry collaboration, access to financial support from investor groups and business leadership skills—a whole range of topics that are unlikely to be discussed in the cross-party groups that focus on industrial or business issues.

We have a great deal of support across the business community in particular. Organisations that will become members include Scottish Enterprise, the Confederation of British Industry Scotland, the Scottish Council for Development and Industry, and the Scottish Property Federation. However, other stakeholders with a broader interest in the economy will also join and include the Scottish Council for Voluntary Organisations. Consequently, there will be a broad range of interest in the work of the CPG. In the past, having four co-conveners worked well, so it is proposed to follow that approach, with one convener from each of the main political parties.

There is strong cross-party support for the proposal. I hope that that gives a brief overview of the areas of interest such a group will want to discuss in seminars and talks. I am happy to take any questions from members.

**The Temporary Convener:** Thank you very much for that comprehensive introduction. I invite questions from members.

**Richard Lyle (Central Scotland) (SNP):** Good morning, Richard. We were going to ask you to explain why the cross-party group will have so many conveners, which would be quite unusual, but you have set out the background to that proposal.

I note from your application that the Lloyds Banking Group is graciously providing financial support of up to around £800 a year. It is also providing secretariat support. How much will that support cost in an average year?

**Richard Baker:** On your first point, having a cross-party approach to convenership with four co-conveners has worked very well in the past. We do not want the cross-party group to be a forum for heated political debate; it is more about briefing members across parties and trying to reach consensus on some of the issues.

On the provision of a secretariat, Neil Moore of Lloyds Banking Group has said that he will need to give about half a day a week of his time, or three and a half hours. He has not put a financial value on that. Given that there will be only four meetings a year, I would have thought that three and a half hours a week is the absolute maximum that would be required. I have not been so indelicate as to ask how much three and a half hours of his time is worth—

**Richard Lyle:** I do not think that he will be on the minimum wage.

**Richard Baker:** I agree. If the committee wishes it, we can certainly supply a figure. I noticed that no figure was attached, but I wondered whether information on the time allocation would be sufficient.

**The Temporary Convener:** I think that we would be grateful for that. Before I bring in Cameron Buchanan, I note that we have had this discussion before. What we are really looking for, rather than what the person's employment costs, is what Lloyds Banking Group would attach as a cost to that amount of consultancy.

**Richard Baker:** Absolutely. I fully understand that now, and we can supply that information subsequent to today's meeting if that is agreeable to the committee.

**The Temporary Convener:** Thank you.

**Cameron Buchanan (Lothian) (Con):** The cost of Neil Moore's time is not a cost to us, is it? We are not going to have to pay for it, so it is not really relevant to us, or to the Parliament.

**Richard Baker:** I assure you that it is not a cost to the Parliament, but I appreciate that the

committee wishes to understand what contribution Lloyds Banking Group will make in terms of a general financial value for the time.

**The Temporary Convener:** One reason why we like to have the information and explore the matter in some depth when we consider applications is for transparency and so that the cost that is attached is apparent to anybody who looks in.

**Richard Baker:** I appreciate that.

**Colin Keir (Edinburgh Western) (SNP):** Good morning, Richard. Thank you for the presentation.

You said that the economy takes in numerous subjects, and I note that we already have a number of cross-party groups on those. I chair one myself, on aviation. How do you intend to avoid duplicating things that other groups are doing? For instance, Maureen Watt is co-convener of the cross-party group on oil and gas, which is trying to find out a wee bit more about the problems of offshore helicopters. That came up at her group and there will be a report to the aviation group. We are not doing anything on the subject because it would just duplicate what Maureen's group is doing. How are you going to try to avoid duplication? What relationship will you have with the other groups that could conceivably have an interest in your group?

**Richard Baker:** That is a good question. Having the four cross-party co-conveners will help. We all take an interest in a wide variety of cross-party groups, so I hope that there is knowledge there to help us to ensure that we do not duplicate effort, which would not be productive, as you say. Also, we have a wide membership of MSPs beyond the co-conveners.

I think that we will work in exactly the way that you suggest. You have liaised with Maureen Watt on offshore travel and safety, which is part of the work of the cross-party group on oil and gas. We would seek to take that approach as well.

In the eight years when a cross-party group on the Scottish economy existed previously, it was successful in not simply duplicating the work of other groups. We are looking, for example, at research and development issues, which go beyond one sector, be it oil and gas, transport or higher education. We will take that cross-cutting approach and consider, for example, support for investment in businesses in general rather than in any particular sector. In the previous existences of the group, we were successful in not duplicating effort, which is unproductive, and we will wish to engage in the working practices that you describe to ensure that that continues to be the case in the current session.

**Margaret McDougall (West Scotland) (Lab):** I should have said that I have put my name forward to be a member of the proposed cross-party group. I would like that to be recorded.

**The Temporary Convener:** Thank you, Margaret.

**Margaret McDougall:** Are the individuals you have listed from different business sectors in Scotland? I see that you have a good range.

**Richard Baker:** Absolutely. They represent a huge number of organisations. They include David Lonsdale from the Confederation of British Industry Scotland, Garry Clark from the Scottish Chambers of Commerce and Brendan Dick from BT. All the members of the committee will recognise some of the names, because they represent a wide cross-section of Scottish business stakeholders. More broadly, they include John Downie of the Scottish Council for Voluntary Organisations, so the work that we hope that the proposed group will do will have wide buy-in.

**The Temporary Convener:** I noticed that there is a crossover between some of the individual members whom you have listed and some of the organisational members that are listed. You mentioned Brendan Dick of BT. Will he be representing BT, or will BT be a corporate member and Brendan Dick a personal member? I use him as an example.

**Richard Baker:** I suspect that he will be on the group as a corporate member. Again, if you wish, I could seek clarity from Neil Moore, who we hope will be the secretary, on people's status as individual members or corporate members. I imagine that a combination of both sorts of members are listed.

**The Temporary Convener:** It would be good to get clarity on that.

**Cameron Buchanan:** I would like to see you put people's names next to their organisation. That would be a good idea, as it would let us see which organisation they are from.

**The Temporary Convener:** Although I think that the form says that when a body is listed in the organisations section, it is not necessary to list the names of individuals. The individuals section is for people who join a cross-party group as an individual. I asked my question because there seemed to be a crossover between the two lists. I wanted to know whether there is duplication.

**Cameron Buchanan:** In this case, would it not be helpful to have names and organisations together?

**The Temporary Convener:** We do not need to do that.

**Cameron Buchanan:** Fine.

**Richard Baker:** I would certainly be happy to provide clarity on whether people are corporate members rather than individual members.

**Cameron Buchanan:** Thanks.

**The Temporary Convener:** As members have no further questions, I thank Richard Baker for attending. The clerks will, of course, let you know the outcome of your application in short order once we have had our discussion.

I suspend the meeting briefly, to allow for a changeover of witnesses.

09:42

*Meeting suspended.*

09:43

*On resuming—*

## **Commissioner for Ethical Standards in Public Life in Scotland (Annual Report)**

**The Temporary Convener:** Agenda item 3 is evidence from the Commissioner for Ethical Standards in Public Life in Scotland, Stuart Allan, on his annual report. In addition to Stuart Allan, we are joined by Douglas Winchester, investigating officer, and Ian Bruce, public appointments manager, who are both from the office of the Commissioner for Ethical Standards in Public Life in Scotland.

I welcome Stuart, Ian and Douglas to the meeting. I understand that the commissioner would like to make a short opening statement.

**Stuart Allan (Commissioner for Ethical Standards in Public Life in Scotland):** Thank you, convener. Good morning. A note has been circulated to the committee, so I think that I can be fairly brief.

The annual report that is before the committee, which is for 2012-13, covers the business of the former Commission for Ethical Standards in Public Life in Scotland, which included the offices of the then Public Standards Commissioner for Scotland and Public Appointments Commissioner for Scotland. As a result of further public service reform, the functions of the commission and the commissioners were merged into the office of the Commissioner for Ethical Standards in Public Life in Scotland from 1 July 2013, and it is in the latter capacity that I am statutorily responsible for writing the report on the work of the former commission and commissioners.

During the year, the two distinct offices worked effectively together, and the natural synergy of their work meant that it was a short step to continuing the work of both offices within the responsibilities of a single commissioner. As well as working well in practice, the single office has facilitated significant savings.

09:45

I turn briefly to public appointments. Following consultation, the 2013 code of practice has now been published, and it came into effect on 1 October. I take this opportunity to acknowledge the Parliament's support for and endorsement of the new code. It contains revised principles on appointment on merit, integrity of process and diversity and equality of opportunity that are intended to provide clarity on my expectations for the appointments process.

I anticipate the introduction of a far simpler, more accessible and more encouraging appointments process that leads to more applications from a more diverse pool of people who wish to contribute to public life in Scotland. I have scaled back scrutiny on the understanding that the Government will take a more proactive role in complying with the code whether a representative of my office is present or not. I take this opportunity to commend ministers for willingly and readily taking on board not only the broad proposals to simplify the appointments process but also the specific proposals for them to meet candidates personally and to accept new and robust timescales for making appointments.

The guidance on the code refers to the factors that I will take into account in assessing the risks that are associated with an appointment and the extent to which my office will provide oversight. One of those factors is the level of public interest in the functions of the public body, which I have concluded is sufficiently broad in nature to subsume the body's recent performance.

I consider that progress has been made in improving board diversity, but collectively we all—Government, Parliament, commissioner, employers and employers organisations—need to commit to further efforts to achieve greater diversity. The recommendations in “Diversity Delivers—A strategy for enhancing equality of opportunity in Scotland's ministerial public appointments process” were included on the basis that, if they were successfully implemented, the profile of Scotland's boards would change. It is a developing process, and the introduction of the 2013 code, with its emphasis on diversity, should ensure that progress is maintained and, I hope, accelerated.

It is clear to me that ministers wish to see more representative boards and that their officials have taken some very positive steps in that direction over the past few months. I welcome that and commit my office, for its part, to playing a real and positive role in achieving that objective.

Turning to public standards, I will briefly comment on local authorities and public bodies. Having regard to the number of complaints that we received—192 in 2012-13—I consider that councillors and public body members have generally applied high standards of conduct in undertaking their official responsibilities. However, both local authorities and public bodies must continue actively and as a priority to promote high ethical standards as a part of their arrangements for corporate governance.

We received 20 complaints about members of the Scottish Parliament in 2012-13. Having regard to that number and the outcomes of the investigations, I remain of the view that members



of the Scottish Parliament have sought to apply and have applied high standards of conduct in carrying out their parliamentary duties.

Convener, this is my last annual report before I demit office, so I want to take this opportunity to thank the committee for the unfailing courtesy that it has offered me on the occasions when I have given evidence. It is much appreciated. If I may, I will also take the opportunity to put on the record my appreciation of all my marvellous staff, who have shown such commitment over the years. I am indebted to them. Thank you, convener.

**The Temporary Convener:** Thank you, Mr Allan. That was a comprehensive opening statement and I think that it gives us plenty of meat for our questions. Colin Keir will begin.

**Colin Keir:** Good morning, Mr Allan. On one of your final points, given that all 20 complaints against MSPs were found to be inadmissible, were excluded or were outwith jurisdiction, are you completely satisfied that the guidance on the complaints procedure is sufficiently clear for the public to understand it? Can any steps be taken by your office or the committee to clarify the guidance for complainers?

**Stuart Allan:** That is a wide-ranging question. The first thing to say is that the code of conduct for MSPs is very comprehensive. At previous meetings of the committee, I have alluded to the fact that the code of conduct for MSPs is about an inch thick, while the one for councillors and public bodies is a tenth of its size.

When creating a public code, we must always be conscious of who is likely to use it. The elected members involved, whether that is councillors or MSPs, are the main stakeholders in the code, but the public are also stakeholders. The MSPs code is a difficult one for members of the public to get around. Having said that, I have not come across any example of that inhibiting a member of the public from putting in a complaint about an MSP. There is an issue in the mind of a complainer, and they know what they want to complain about and about whom they are complaining. They can be pretty trenchant in the complaint that they put in. As I said, I do not think that the difficulty of the code has affected a complainer's ability to articulate a response to me.

In answering the thrust of your question, I can say that I am satisfied that there is no inhibition on members of the public putting in complaints about MSPs.

**Colin Keir:** My question is on a slightly different aspect, though. I know that the code puts no inhibition on the public, but do they understand it? That is what I am trying to get at. Anybody can put in a complaint, but is the code too complicated for the public to understand it? We have had a series

of complaints about various MSPs, but you have said that, for different reasons, they were not taken on. I have absolutely no doubt that people will complain about many things, but it is their understanding of the code that is the issue and not necessarily what would inhibit them from making a complaint.

**Stuart Allan:** Yes, that is true. The thrust of your question is about whether the code itself puts people off complaining. I do not think that that is the case. I maintain my original point that the code is extremely complex. We must always keep in mind whether there is a case for simplification of codes that have a legislative background. However, I think that people understand the position with the MSPs code. When they write in, they will be asked, if they have not specified this in their complaint, to indicate which part of the code they are referring to, and they are asked whether they might like to consider particular sections further. That is usually a helpful approach.

The other aspect, which is perhaps more important in some ways, is that the commissioner has responsibility only for certain elements of the regulation of the code. Elements that relate to MSPs' performance in respect of their constituents, for example, do not come to me; they go to the Presiding Officer. A number of those issues have been addressed to me. When that happens, after initial investigation, we can see that the main thrust is about performance, and the matter is then remitted on to the Presiding Officer.

**The Temporary Convener:** Richard Lyle has a follow-up question.

**Richard Lyle:** Good morning, Mr Allan. I was previously a councillor, and I was reported to the Standards Commission for Scotland four times over 36 years. Thankfully, every case was dismissed.

I know that I cannot talk about councillors today, but you introduced them in your introduction. My concern about the standards procedure is that there were 192 complaints against councillors and 20 against MSPs, which I can talk about. There was one complaint under the heading "Misrepresentation of MSP's role", five about "General conduct", one about "Confidentiality requirements" and 13 about "Engagement and liaison with constituents". I would like you to explain what each of those means. I find "Misrepresentation of MSP's role" quite funny.

The main thrust of what I want to say to you is that, when someone makes a complaint—I think that people sometimes make a complaint just to make a complaint or because they have not been answered correctly—it causes upset not only to the MSP or councillor but to their family. When you write to the MSP or councillor and tell them that a

complaint has been sent in, it is quite worrying when that letter is received. I know that the four complaints that were made against me were quite worrying to me and my wife. I will not go into them, but they were quite frivolous. Can you investigate the complaint first, prior to informing the MSP, or do you need to inform the MSP straight away that a complaint has been submitted? I have personally received your letters, and it is quite worrying to receive them.

**Stuart Allan:** There are two aspects to that. The first is the accountability of MSPs and councillors to their electorate. Parliament has said that there must be a code of conduct for both areas of the law, and it is part and parcel of being a public officer that people must have the broad shoulders to be able to take that type of complaint. I know that it can be unpleasant, and the high percentage of outcomes in favour of the elected office-bearer tends to suggest that complaints are perhaps not entirely appropriate on occasion, but I am afraid that it is part of your job to be able to take it. You have to stand up to scrutiny, and part of that relates to your conduct. That scrutiny can be done only by a proper and independent investigation.

The second question is how that can be achieved. One could investigate to a certain point—until one was pretty convinced that there was some merit in the complaint—before going further, but that approach would have significant downsides. For a start, whether we like it or not, a great number of complaints are put into the public domain by the complainant. Complaints are often in the press before members of the Scottish Parliament or councillors know about them, and there is a political or personal dimension to many of them. That is an issue to some extent.

10:00

There is also a question of natural justice. If I get a complaint, it is only courteous that I tell the MSP or councillor as soon as I can that there is a complaint. To turn the question round a little, what would you think, Mr Lyle, if you found out through other means that there had been a complaint but you had not heard from me and you did not know anything about it? You would not be very happy, and quite rightly, too.

I often write to an MSP or a councillor to say that we have received a complaint about an issue but that, at that stage, I do not expect them to do anything or to let me have their comments because I am still reviewing whether there is any prospect of admissibility. It is essential that I tell MSPs and councillors as soon as I can that a complaint has been lodged. I would not propose any change to that procedure and I would not commend one to my successor.

**Richard Lyle:** I am interested in the category of complaint that is called “Misrepresentation of MSP’s role”. Could you explain that?

**Stuart Allan:** That relates to a rather technical aspect of the code. If a regional MSP makes himself or herself out to be a constituency MSP, that is a breach of the code. We do not get many complaints about that and, when we do get one, it usually involves a misunderstanding on the part of the complainant. I cannot recall that we have had a complaint on that aspect that has not been dismissed as inadmissible.

**The Temporary Convener:** It is interesting that you have clarified that the existing guidelines are sufficient and that you do not recommend changing them, because we go backwards and forwards in discussing that. It is good to have it on the record that you are satisfied that the code of conduct serves its purpose.

**Stuart Allan:** Yes.

**Richard Lyle:** The budget for 2012-13 was set by Parliament at £798,000, but your cash expenditure during the year was £770,000, resulting in an underspend, including savings, of £28,000. During the year, the Parliament approved your budget for 2013-14 at £797,000, which was £1,000 less than for the previous year. Are you confident that your office has sufficient resources to monitor public appointments to the additional bodies that have been brought within your remit?

**Stuart Allan:** It largely depends on the number of additional bodies that are being introduced for scrutiny by the commissioner. Year on year, additional bodies are allocated to us, although bodies are also removed from the list. By and large, the two balance out. There is a Government commitment to ensure that there are not too many new bodies so, overall, there is a balance.

This year, the public appointments side will be particularly busy, because there are a number of new appointments relating to the new college structure. We have identified to the Scottish Parliamentary Corporate Body that it is possible that additional work will be required to cover those additional duties. Where we can, we will try to meet the extra expense from our budget but, if the workload is unduly high, we will probably come back to the SPCB and ask for contingency funding for extra expenditure.

**Richard Lyle:** Can you provide us with an update on the joint training that is being provided with the public appointments and diversity centre of expertise? What direct involvement do you or your office have in the provision of that training?

**Stuart Allan:** I will ask Ian Bruce to answer, as he is involved in that.

**Ian Bruce (Commissioner for Ethical Standards in Public Life in Scotland):** Good morning, convener and members.

The last time that we spoke to the committee, which was in June, we indicated that we had run some joint training with PACE and that we anticipated running some more. We had a joint session with PACE in September, primarily to talk about its proposals for change to coincide with the introduction of the revised code. I had a good session with PACE then. In addition, we ran two individual full-day training days for the assessors.

We have agreed four events: two will take place in November, one in December and the fourth in January. Those will be held at Victoria Quay and in Glasgow—the final one will be held at Atlantic Quay in Glasgow. There will be two sessions per day. They are for panel members: we indicated that we wanted to get panel members up to speed with the changes, the revised code and the alternative approaches that they could take.

The sessions are being run jointly by me and the head of PACE. Each of the PACE managers needs to attend one of those events, as do our assessors. Clearly, we hope that the Government will put the whip on potential panel members to attend them. We are talking about public body chairs and senior civil servants who chair selection panels.

When we last gave evidence, the commissioner suggested that we would look to hold regular events in the spring and autumn of every year. Everything is on track, much as we suggested that it should be when we last spoke to the committee.

**The Temporary Convener:** That was an excellent explanation of your timetable—thank you very much, Mr Bruce.

Margaret McDougall wants to explore the code of practice further.

**Margaret McDougall:** Good morning, panel.

I understand that you held a consultation in October 2012. Are you satisfied that all consultees' views have been taken into account, given that few changes were made to the code following the consultation?

**Stuart Allan:** Yes, I am. It has to be borne in mind that there was a wide-ranging consultation before the consultation, which asked all stakeholders whether, broadly, they thought that the process was working well and, if they thought that it was not, invited them to tell us about it.

We received substantial responses to that first consultation. There were many complaints that the process was taking too long, that the paperwork was impossible to complete and so on. I was very much driven by those views in compiling a new

code that would make the process more effective and more accountable.

Therefore, I was not terribly surprised that, when we issued a final draft of the code for consultation, the responses from stakeholders were fairly limited, with the exception of those from the Scottish Government and the Scottish Parliament. There were differing views on certain issues but, by and large, I was heartened that a very large majority of the responses strongly endorsed the approach of the new code.

**The Temporary Convener:** I would like to follow up on one aspect. When you appeared before the committee in June, I asked whether a body's recent performance should form part of the risk assessment process. You said in your opening remarks that you concluded that the level of public interest in the functions of a public body was broad enough to subsume the body's recent performance. I want to tease out to what extent the risks that a body's recent performance might have highlighted are subsumed by that.

**Stuart Allan:** The important driver with public appointments is to ensure that people are appointed on merit. The amount of scrutiny that has to be applied in respect of any particular appointment round will vary depending on a whole range of circumstances. For example, is the appointment to be for the chair? Does the public body incur substantial public expenditure or is it an advisory body? Is it a reappointment of a person or an extension of a term? The amount of scrutiny is one of the key factors.

I feel that the public interest in the body at the time should be a factor that is taken into account, so we have made that one of the key criteria. However, I have tried not to be overdetailed in how I have prescribed the approach.

I have said that, if there is public interest in the capability of the body at the time, that will weigh with me in deciding what level of scrutiny to attach to the body. For example, if a body had been in the media for a number of months and there had been public expressions of concern about how it is managed and so on, I would immediately take that factor on board.

However, I did not want to get tied down to too much detail and prescribe when I should take something into account and when I should not. I prefer the more general approach, which allows for a bit of flexibility. I knew that it would be an issue for the Parliament, so I gave it a great deal of thought.

**The Temporary Convener:** So "subsumed" covers my concerns. Thank you; that answer helps.

**Margaret McDougall:** What recent discussions have you had with ministers and Scottish Government officials about ministers meeting candidates before they are appointed to public bodies?

**Stuart Allan:** During and after the consultation on the draft code—it was lodged in May, I think—I met a number of cabinet secretaries, ministers and Scottish Government officials to talk about the range of issues in the code. I explained to them in more detail why I thought that the process was to some extent falling short, in that names were put up to ministers but they never personally saw the candidates. I must admit that I felt uneasy about that.

I was expecting ministers to be resistant to the proposed approach, but those whom I saw, and the Scottish Government officials too, were supportive. That is why I said earlier that I commend ministers for adopting the approach. It will be important in the development of the public appointments process in the future.

**Margaret McDougall:** Have there been any meetings since then?

**Stuart Allan:** No. The code came into effect on 1 October. I asked just yesterday whether any ministers have seen candidates, but there has not been an appointment yet. I will come back to you with information as and when. Perhaps at the end of the financial year, we will have an idea of how many appointments have reached that stage and whether ministers have met candidates.

I was reassured that ministers will not view meeting candidates as a token gesture and that they will take the duties, which might be regarded as additional duties, fully on board. I welcome that.

**The Temporary Convener:** We turn to “Diversity Delivers”. Richard Lyle will begin our questions on that.

10:15

**Richard Lyle:** Commissioner, in respect of making public appointments more accessible to a wider range of applicants, the annual report expresses concern that the gains that were made in the first few years of your predecessor’s “Diversity Delivers” strategy have not been sustained in the past two years.

You note that there has been “no significant progress” towards the levels of diversity that were set out jointly by you as the commissioner and the Scottish Government. What steps are you taking to encourage the Scottish Government to meet those targets?

**Stuart Allan:** I think that progress has been made in improving board diversity but, as I said in

my opening remarks, we all collectively have to do a great deal to ensure that there is even greater diversity in the future.

The recommendations in “Diversity Delivers” included targets, and there has been progress in that regard. I entirely accept—as I am sure we all do—that those targets have perhaps not been sufficiently met in recent years. However, the strategy is a developing process, and I am quite confident that the introduction of the new code, with its emphasis on diversity and equality of opportunity, will ensure that progress will be accelerated rather than merely maintained.

One of the first things that we must do in our on-going work with the Scottish Government is to ensure that we attract a lot more people to apply. That was one of the things that I took from the initial consultation. When I saw the amount of paperwork that people had to fill in just to apply for a job, I thought, “Nobody is going to apply for anything—and good luck to anyone who does apply, because it is extremely off-putting.” Those types of things have been addressed so that we can get more applications.

Ian Bruce is in regular contact with the people at the heart of the matter in the Scottish Government. It is the Scottish Government that prepares the adverts, interviews the candidates and so on, which is a fundamental part of the process. Ian might like to add a bit more to what I have said.

**Ian Bruce:** The reality is that, fundamentally, a lot of the recommendations in “Diversity Delivers” have not been fully or partially implemented. To be honest, regulation is a funny thing. To some extent, despite the way in which one regulates and the levers that one pulls in order to achieve the outcomes that one wishes to achieve, it is not always clear whether the outcome that one gets at the other end has been driven by the actions that were taken.

I will give you an example, with which I am sure you are familiar. Generally speaking, Government officials are relatively risk averse. Early doors under the previous code, we had said that it was important for officials to have a planning meeting, and that obviously continues under the revised code. What is required is a nice open debate about what the board needs and whether, for example, it is looking for a particular fresh perspective. Officials can then plan to fill the position on the back of that discussion, which traditionally involves an assessor.

When the previous code came into force, Government was not necessarily prepared and the commissioner was not particularly happy about the way that things had gone. We got into a position in which pre-planning meetings were taking place and ministers were being asked to comment on

detailed proposals for role descriptions and person specifications. Assessors then got involved, and we ended up having a debate with the chair of the panel about proposals that were almost set in stone.

Latterly, we have said to Government, “Look—let’s go back to a situation in which we have a proper discussion about what the board needs rather than necessarily repeating what was done last time.” We need to do that type of thing with Government, and I believe that Government is certainly more committed to that.

The current commissioner has made it clear that our role is about being supportive rather than just reviewing what the Government does, and I and the assessors are committed to that. Part and parcel of that is helping the Government to implement some of the recommendations in “Diversity Delivers” that have not been implemented since it was introduced.

The issue is difficult because it is a very big picture thing. At the end of the day, changing the appointments process in and of itself will not achieve the diversity on boards that we all feel is valuable. Clearly, we are in the middle of a wider on-going political debate, but for our part we fundamentally believe that, if all those recommendations are implemented, we will see a difference in board diversity.

Certainly, a big part of my role at the moment is helping the Government to put in place some things that have not been put in place up until now. I presume that you will have all read the strategy, but we now also have a draft competency framework, which we have been looking for since the strategy was introduced. The draft framework offers selection panels some building blocks, so that they can start to put together the skills that a board needs at a given time.

With the new reference to experience in the revised code, people are now more relaxed about asking for experience. As I discussed with the committee on the previous occasion, “experience” can refer to more than just executive experience, as it can include the many types of life experience that people can bring to boards in order to offer the fresh perspective that boards can benefit from.

**Richard Lyle:** I take it that Mr Bruce and Mr Allan are having discussions with the Scottish Government officials about guidance for revised diversity targets.

Having previously sat on an appointments panel for Scotland’s fourth largest council, I must say that I totally agree with Mr Allan that the paperwork that people were being required to fill in was like “War and Peace”. As well as reducing that paperwork, I think that we should advertise

appointments more widely because, with the greatest of respect to *The Herald*, a lot of people do not read that newspaper. We should advertise more widely, both on the internet and in the local press. After the event, people often say, “Oh, I didn’t know that that body was looking for someone for that job—I would have applied.” I totally agree with the comments that Mr Allan made about that.

**Cameron Buchanan:** I just want to say that we should not aim for diversity for diversity’s sake. When I served on a public board, I was appalled at the amount of paperwork that I had to fill in. That put me off and it put some other people off. It is important that we aim not just to achieve diversity of whatever sort but to get the right person for the right board. That is key, really. I agree with Richard Lyle that we need to advertise, or put it about in the right place, that we want people to apply. People should not be put off by the amount of paperwork. After all, the interview is normally what counts. The face-to-face meeting, where you can see what the guy or woman says, is what really counts for a board, rather than whether the candidate is a woman or a man.

**Stuart Allan:** At the end of the day, the major principle is merit. People must be appointed on merit, but diversity is compatible with merit. We are trying to encourage as many as possible who have broadly the relevant experience to apply for each job, but we are not achieving that at the moment. Diversity is not about getting people who will not provide the proper skills and experience for the job. The process at the moment actually means that people who are very well qualified are put off from applying. They are the ones who say, “I don’t have the time to fill in this application form, so I will not do it.” Across the spectrum, we are failing to get diverse candidates to apply for jobs, and we must do something about that. However, as I said earlier, I think that the Scottish Government has got the message and is really addressing the issue.

**The Temporary Convener:** We will come on to explore the application process in more detail, but first I want to continue the theme of the “Diversity Delivers” targets and equality outcomes. Margaret McDougall has some questions on that.

**Margaret McDougall:** In the annual report, you say that you are

“concerned that the quality of information obtained by the Scottish Government has decreased”.

How will your office monitor progress against the Scottish Government’s pledge to increase the diversity of board members under its equality outcomes?

**Stuart Allan:** Do you want to take that, Ian?

**Ian Bruce:** Certainly. We are talking about an annual report, which is historical. A lot has changed since the report was published and the pace of change and improvement is accelerating. I had established that the Government did not have baseline figures. You will note that the annual report talks about application numbers and the number of people who are successful, but that is a snapshot in a given year.

We were aware that nobody seemed to know what the current composition of boards was, and unless you are aware of what that composition is, you are not clear about who is underrepresented and whether or not there is a success story out there. That is what we were talking about, to an extent, when we spoke about quality of information.

The Government has committed to and is now providing us with, at least annually, a very detailed report. Not all of that is included in our annual report, because the Government's report is detailed to the extent that individuals could be identified from it. To include such detail would not be appropriate and would put people off completing monitoring information.

What the Government is reporting to us is certainly better, and is better for informing ministers and officials about what they need to target. Things are improving in that respect.

**Margaret McDougall:** Thanks for that. Given the conversation that we had earlier about the size of application forms, it would seem that they are not asking the right questions if you do not have the information that you are looking for to monitor diversity.

**Ian Bruce:** Indeed.

**Margaret McDougall:** In the annual report, you stated that you agreed with the Scottish Government's objective to have

"an applicant pool from a wider age range",

and you say that having a wider age range

"would result in an increase for several of the other diversity strands."

Could you elaborate on that?

**Stuart Allan:** A fundamental point is that diversity is often perceived as being directed towards achieving greater numbers of women, the disabled, people from ethnic minorities and so on, but that is only part of the picture. If you look at table 21 in the annual report—you do not need to dig it out—you will see that the target for getting people who are aged under 49 on to boards is 40 per cent. Basically, that is because public bodies are full of older people. The figure that has been achieved is 25 per cent, which is a big failing. We are not attracting sufficient numbers of younger

people, working-age mothers and so on into the field. That target is as important as any of the others.

Diversity is not a narrow focus; there are broader issues here that collectively—

**Margaret McDougall:** Age being one of them—sorry to interrupt.

**Stuart Allan:** Exactly so.

**Margaret McDougall:** Age is an area that the Government is talking about and you mentioned in the report that that brings in other strands—you mentioned mothers and other people in general, rather than the gender balance.

**Stuart Allan:** People say that experience comes with age, but age and experience are quite separate issues. It may be that a board really wants younger people who are involved in and actively experiencing the health field to be involved—that might be the type of skills and knowledge that it is looking for. They are not there, possibly because potential applicants are already in gainful employment and feel that they do not have time. We might have to think about measures to facilitate such people being members of boards without detracting from their progress in their chosen careers.

10:30

**Cameron Buchanan:** You talked about outreach with employers. Surely one of the problems is asking employers to give employees time off to serve on boards. I was self-employed, so I could take time off to be on a board, but I knew of a company that would not give an employee time off because it reckoned that the process was too open and that things such as away days and training days might be needed. That is the key. It is not just a question of pay and people being recompensed; it is about encouraging employers to give employees time off. What are your comments on that?

**Stuart Allan:** We have to be realistic and say that, if we are inviting employers to allow key employees time off, we must have regard to the nature of their business, how big the business is and what the impact will be on the business. That has to be a major consideration. It is important that there should not be one rule for everyone.

A second aspect is that many employer organisations, such as the Institute of Directors, emphasise the importance of employers encouraging staff to take on membership of public bodies because it will give them a breadth of experience that might be helpful in their private sector career.

At present, the law broadly states that certain categories of employer should afford time off to employees to participate, but that really relates to local authorities, health boards and so on. There is perhaps merit in having a refresh of that to see what could be done to enhance the provisions. However, I return to my first point, which is that there has to be an element of proportionality and regard must be had to the needs and requirements of employers.

**Cameron Buchanan:** How would you encourage people to apply? Would you go round firms? How would you advertise that a body wants to appoint somebody?

**Stuart Allan:** Part of what we are trying to do is to get the Government to think in that way and to be a lot more positive. I mentioned the Institute of Directors, but perhaps other organisations should be sent information rather than, as someone said, just using *The Herald* and *The Scotsman*.

**Ian Bruce:** We are engaging, as is the Scottish Government, with the Institute of Directors and Women on Boards, which was heavily involved in the summit event that took place this week, which members might have heard about. I have signed up to the Women on Boards newsletter, so I know that the message that constantly goes out to all its membership, which is rapidly growing, is that, even if someone is in full-time work, they should say to their employer that there is a great deal of value in their being released to take up a non-executive position, because of the benefits to the employer. That is a clear message going out to one underrepresented group.

The Institute of Directors has an event coming up soon, so we have engaged closely with it. On Monday, I will speak with one of the speakers to let them know about the revised code. They will go on to speak to people who in this case are paying good money to find out about getting a public appointment. Those are the type of people that we are looking to reach, because a great many of them are in full-time employment.

**Cameron Buchanan:** The IOD, for example, definitely encourages people to go out, and it goes to younger people in particular. It is very good at that. I was a member of the IOD, and that is how I got on a body. It encourages people and says, "Yes, your skill could work if you did this sort of thing."

**Ian Bruce:** Indeed.

**Cameron Buchanan:** It was more a question of the women on boards. I find that women are much more reluctant to come forward. People who are very well qualified and perhaps had children but would like to get back into doing something are reluctant to come forward. Perhaps Women on Boards and the other things are the right way to go

about giving women the confidence that they can do something. They may have been out of work for a long time, so they may not think that they have the skills, although they manifestly very often have.

**Ian Bruce:** Absolutely. We should be ambitious about it in the coming year. I have spoken to the Government and said, "Look, can I have a look at your high-level strategy, because we know who is underrepresented and who to target, and we ought to be speaking to women in blue-chip companies?" There are plenty large financial companies in the peripheries of Edinburgh. It is about persuading them that it is in their interest to release people to take up public appointments and to persuade their employees that the benefit to them would be excellent.

**Cameron Buchanan:** If people come back with other experience, that will be of huge benefit to the employer, as well.

**Ian Bruce:** Absolutely.

**The Temporary Convener:** I am conscious of the time. You talked about an event that you were at earlier this week. Could you send us details about it?

**Ian Bruce:** Certainly, but I was not at it. That was a conscious decision. I volunteered one of our assessors for it because she is a woman, she serves on a board and she knows the process inside out. Fundamentally, part of that was about inspiring women who are thinking about taking on a role to do so. At the end of the day, I am the middle-aged man who can talk about the process and what have you, but I wanted an inspirational woman to be there to let people know from her experience what it is like to be a board member.

**The Temporary Convener:** It would be quite interesting for us to get information about that. Thank you.

**Ian Bruce:** Of course. We would be very happy to provide that.

**The Temporary Convener:** That leads us nicely to George Adam's questions about the application process and encouraging more people to come forward.

**George Adam (Paisley) (SNP):** Good morning. I want to ask about the quality of the applications. I take on board the fact that you want to attract a lot more people to apply and the challenges that are involved in the application process, but table 19 of the report shows that only 30 per cent

"Met all criteria (good quality)".

Is that figure not awfully low? Have the commissioner's officers carried out any analysis to find out why such a percentage of applications do not meet the criteria?

**Ian Bruce:** I will happily take that question.

Again, we are talking about a snapshot in time, and it is important that we draw a distinction between what was going on then and what we are working towards.

By and large, we are talking about a competency-based application form, which I have previously discussed with the committee. Fundamentally, we cannot be sure that the ones who did not get through the first cut—the sift—did not get through because they did not have the skill required; what we know is that they did not have the skill required to complete the application form in the way prescribed by the guidance included in the hefty pack. That has involved the STAR technique, in which people have to describe the situation, the task, the action taken and the result. We know from research that we have done that people who already have board positions and have successfully navigated the process previously, for example, are good at it, and that people from the public sector with that type of background who are used to that type of application process tend to do better than others.

**George Adam:** That tends to be an issue. Like Richard Lyle, I was on a panel in the council that I represented, and it tended to be the case that people from the public sector were very good at applying for public sector jobs. The application process in the private sector seems to be entirely different. That will be very similar for some of the boards that we are talking about.

**Ian Bruce:** Make no bones about it: things are going to move on. As the commissioner said, the new code came out in October, and one major competition has been started. It is in the public domain now, so members should feel free to have a look on the appointed-for-scotland website, where all the material is available, or to phone the freephone number to ask for it. In that particular case, the options are open to applicants—our assessor is involved throughout in that case—to submit a CV, to send in a letter that says why they feel that they are suitable for the role, or to fill out a box in an application form, if they want to. The applicant can take any one of those approaches to demonstrate their merit.

That is a fairly radical departure from the reliance on competency-based applications. As Mr Buchanan said earlier, this is fundamentally about getting as many quality people as possible to interview, at which point it is perfectly legitimate for skilled interviewers to ask competency-based questions. They will see that the people in question have the experience and will then try to find out whether they are very good.

**George Adam:** Table 20 in the report gives a breakdown of first-time and repeat applicants.

How do those figures compare with the previous year's?

**Ian Bruce:** I am afraid that I do not know the answer to that off the top of my head, but I can certainly come back to the committee with that information.

**The Temporary Convener:** Continuing on this theme, I note that all the answers to this line of questioning have focused on application forms. When you came before us in June, we discussed other application methods rather than processes. On page 26 of the report, you have listed a number of suggested improvements, all of which are about forms, whether it be changing the form slightly or allowing CVs or letters instead of forms. Bearing in mind that we might be talking about young folk or folk whose first language is not English, can you say whether any consideration has been given to, say, video applications, telephone interviews or that sort of thing?

**Ian Bruce:** Again, I am happy to answer that question.

I think that we should walk before we run. I do not disagree for a moment about the appropriateness of telephone or video interviews, but the fact is that we are at the start of a very radical and new approach for those involved in the process. I am delighted by that and certainly hope to come back to the committee in due course to confirm that these methods have proliferated and that people have many more ways of making an application to become a board member.

All I can say is that things have moved on. The revised code has just come into force and we will certainly encourage Government to try many more new approaches. I have spoken to my assessors and asked them all to let us know about different approaches that have been taken and which, in their view, have worked. I think that it is less to do with the hump that people need to get over to get an interview in the first place and more to do with what happens at interview. For example, a relatively new approach has been the introduction of board papers at interview; people are provided with a board paper in advance and are asked to analyse it. That tests the skills with which they will have to be effective once they are appointed. At the end of the day, an interview in and of itself, even a competency-based one, is not necessarily an indicator of whether the person in question will perform well in a board situation.

Another example is an NHS Lanarkshire pilot of a very different approach to attracting and assessing people. In that case, the applications were more expressions of interest. I would not want to rule that out; for a start, there was a lot of community engagement to let people know about the role and to give them the opportunity to make



an expression of interest and say, "I believe that I match the person you want and I can see myself in this position." An assessment centre in that area is now being run with assistance from the health board's human resource team; after all, that kind of assessment is a real skill and not the sort of thing that panels are trained to do. The people who have expressed an interest are brought together, asked to participate in a board-type discussion and assessed on their effectiveness, after which they are interviewed. Of course, it is a bit false but it is closer to a board situation than an interview, and it is another example of a very different approach that is being taken.

I would love to see such approaches proliferate; indeed, we will post on our website the ones that the assessors are giving me details of and when we meet panels in November, December and January, I will say to them, "If you look at our website, you will see a number of options that we would like you to consider." I would also love to see the day when people can submit videos, but that is not going to happen today.

10:45

**The Temporary Convener:** Does the commissioner feel enthusiastic enough about all this exciting work to recommend that his successor pursue it?

**Stuart Allan:** I am particularly taken with the fact that we are now working much more closely with the Scottish Government on the packages that are being sent to members of the public who might be interested in applying for jobs. There was a kind of them-and-us situation—of course, there is always an element of that for regulators—but we have tried to work a lot more closely with the Government to effect change. If we keep apart from each other, we will never achieve real change; however, through closer working, we have largely been able to gain the Government's confidence and I think that quite imaginative and innovative ways of encouraging many more people to apply for public jobs will flow from that. I am therefore happy to give the commitment that you seek, convener.

**Richard Lyle:** As a parting comment, I wish the commissioner well on his retirement, which I know is not happening until April 2014, and welcome his previous comment. With great respect, I have always felt that too many of these jobs have gone to the establishment and that they should be moved down to ordinary working men and women in all ethnic groups to ensure that people—women, men and ethnic minorities—are fairly represented on boards.

**Cameron Buchanan:** We have heard about excessive paperwork and the big thick application form. Are you going to do something about that?

**Stuart Allan:** Absolutely.

**Cameron Buchanan:** It is essential that something be done about it.

**Stuart Allan:** That is probably our number 1 priority.

**The Temporary Convener:** As members have no other questions, I thank the commissioner for a very useful evidence session and, indeed, for the work that he has done in his role. All the committee's sessions with him have been interesting and informative and have given us something to think about; of course, we have also left him with things that we would like him to do for us.

I realise that you gave us a comprehensive opening statement, commissioner, but I offer you a final opportunity to give us some last reflections on your time in the role and, if you think it appropriate, any thoughts on where it might go.

**Stuart Allan:** I think that it is worth sitting back and making a number of observations. After all, it is amazing how close you can get to something and how you can start not to see the wood for the trees.

First, the Parliament itself made ethical standards a foundation issue. The Ethical Standards in Public Life etc (Scotland) Act 2000, which deals with councillors and public bodies, was one of the very first acts of the Scottish Parliament, and it was followed closely by the Interests of Members of the Scottish Parliament Act 2006. Those provisions were measured and tempered but Parliament has to take some credit for establishing the playing field and the ethos that ethical standards are important.

When you are a regulator, you realise that things move and develop and I am happy to have played a part in developing the ethical standards landscape and advising on codes and new legislative provisions. However, the key thing is to be proportionate, to be educative and to use a hell of a lot of common sense. Although such a commodity is really rare these days, it makes a difference.

I think that, given the standards set by the Scottish Parliament, the public have largely embraced the ethical standards framework and there is greater confidence in elected officials in Scotland. Of course, this applies to local government but, during my time in office, the Standards Board for England regime has been abandoned completely, largely because it was completely disproportionate. It did not have staff who understood the elected member and was an

absolute bureaucracy. The situation in Scotland has been quite the opposite; there has been a light touch and clear direction from the Parliament and Government. We know what we should be addressing; we do not interfere with private conduct; and we focus on issues that the public in general are concerned about. We have achieved those aims and, for the future, we have to build on them and, I hope, make further improvements in the process.

In my view, elected members in Scotland are doing a very good job and their standards are high. It might not be the in-thing to say, but I am very content to leave you with that message.

**The Temporary Convener:** Thank you very much indeed. We look forward to continuing the improvement process that you have referred to.

I suspend briefly to allow the witnesses to leave.

10:52

*Meeting suspended.*

10:55

*On resuming—*

## **Cross-party Group (Approval)**

**The Temporary Convener:** Agenda item 4 is discussion of the evidence that we heard earlier this morning from Richard Baker MSP on the proposed cross-party group on the Scottish economy. Do members have any comments?

**Richard Lyle:** It was an excellent presentation. The case was made for the re-establishment of the group. There has been a cross-party group on the Scottish economy in previous parliamentary sessions, and I think that we should give the go-ahead to the proposal that there be one in this session. We may want to clarify the cost of the secretariat, but I do not think that it will be all that much.

Colin Keir made the point that the work of the proposed group will cut across the work of existing cross-party groups, but it will be on the Scottish economy in general. I was struck by the fact that it will be co-convened by members of all four main parties, which is good. Therefore, I think that we should give it the go-ahead.

**Colin Keir:** I refer to what I said earlier. Richard Baker said that the issue of duplication had been considered and that the proposed group would work with other groups. That is all to the good. Given that it is not trying to sneak in and take issues from groups that have already been set up, I do not have a problem with it.

**Margaret McDougall:** I want to be a member of the group, so—

**The Temporary Convener:** Yes, Margaret.

**Cameron Buchanan:** This might be a silly question, but why do we need a cross-party group on the Scottish economy when we discuss the issue in detail in other places? I do not quite follow that. Maybe I am being a bit naive.

**The Temporary Convener:** Although Richard Baker gave quite a good explanation in his opening comments, I thought that it was interesting that other members raised the fact that there are industry-specific cross-party groups. Mention was made of liaison with other cross-party groups. Are we confident that that liaison will happen?

**George Adam:** That was one of my concerns. One of the group's proposed topics is university/industry collaboration. There are various education cross-party groups. There would have to be collaboration to ensure that they did not do the same work, because that is an important topic.

**The Temporary Convener:** If my memory serves me correctly, there is a cross-party group on colleges and universities.

**George Adam:** There is.

**The Temporary Convener:** So, even with its agenda, there is crossover between the proposed new group and existing groups.

**Cameron Buchanan:** Are we talking about collaboration rather than duplication? I was a bit concerned about that.

**The Temporary Convener:** Richard Baker talked about liaison but, as George Adam has picked up, one of the group's proposed topics covers an area with which an existing group deals. Should we be encouraging that?

**Margaret McDougall:** But the proposed collaboration is between universities and industry.

**George Adam:** I know, but the cross-party group on colleges and universities already does work on that. I am just using that group as an example, because it is one that I know about.

I am not making a political point, but the group is to have four co-conveners from different parties. How will it make that work? How will it manage to remain focused?

**Margaret McDougall:** But there are other cross-party groups that have co-conveners.

**George Adam:** This is purely a personal view, but I have doubts about the group's ability to remain focused and on track when, every time that the group has a meeting, it has a different convener—assuming that it has one meeting a quarter. The positive aspect of that is that it provides a different perspective—that is fair enough—but the negative aspect is a lack of fluidity or continuity. That is slightly concerning.

**Colin Keir:** I should say that, as well as being convener of the cross-party group on aviation, I am a co-convener of the cross-party group on Taiwan.

**Margaret McDougall:** How many co-conveners are there on that group?

11:00

**Colin Keir:** That group has three co-conveners: Richard Simpson, Margaret Mitchell and myself.

The difficulty with having three co-conveners is not so much the problem that George Adam mentioned. Given that our members of staff here in Parliament do the background work—a lad from Queen Margaret University does the secretary's job in his own time, if you like—the real difficulty is in liaising with the co-conveners and in deciding who puts everything together.

**George Adam:** That is what I am talking about.

**Colin Keir:** The issue is about tying up which co-convener's office will deal with a given matter at a given meeting and who will take charge of that meeting. That can be done, but it is a bit fiddly.

**The Temporary Convener:** Do members have any other comments?

**Margaret McDougall:** I think that the proposed cross-party group is a good idea, notwithstanding my interest in it, because it will look at the economy rather than specific fields within the economy. The group will cover macroeconomics and that kind of thing.

**Richard Lyle:** I have listened to all that has been said, and I agree with Margaret McDougall. At the end of the day, people might say, "I find it astounding that there is no cross-party group on transport, so I will apply to set up such a group even though there are already cross-party groups on rail and on aviation." Some cross-party groups will touch the remit of other cross-party groups. If there is a desire to re-establish a cross-party group on the Scottish economy and if a major bank wants to back that cross-party group, I do not see a problem with it. I support the establishment of the proposed cross-party group on the economy.

**Colin Keir:** I do not have a problem with the proposal. Given the group's very broad range, it should be aware that other interest groups may already be doing work that it wants to take on. As I pointed out earlier, if Maureen Watt's cross-party group on oil and gas is looking into helicopters and offshore safety, there is no point in my cross-party group on aviation producing the same report. However, Maureen Watt is a member of the cross-party group on aviation, so she can report such things as a matter of course. There is no point in having such duplication, not just for parliamentarians but for people outside. In setting up its agenda, the proposed cross-party group on the Scottish economy will need to be aware of what other interested cross-party groups are doing and at least ask them what is on their agenda. It will need to check whether other groups have discussed the work that it wants to undertake and, where that is the case, come to some arrangement with them.

**George Adam:** I have brought up a few points already. I believe that there will be a crossover with other groups. I am not going to die in a ditch over this, because it does not concern me that much but, to play devil's advocate, when do we stop with cross-party groups? We complain that there are too many and that members do not have enough time to attend them properly, although some members are on more groups than others.

When do we stop and say that we are already doing these things?

I agree with Colin Keir that communication is the key. The example of Maureen Watt is a perfect one. I hope that some of the members of the proposed group are members of similar groups. If we approve the group on the economy, I want it to actually do something—I do not want it to be a talking shop. That is where I am coming from. I do not want it just to be another cross-party group that MSPs turn up to every four months and nothing comes from it. We have to do something practical and have a group that has a bit of traction and direction.

**Margaret McDougall:** In some instances, joint cross-party group meetings can be held. I have done that with cross-party groups that I am on, when there is an agenda item that is of interest to two groups. That saves everybody's time.

**The Temporary Convener:** The importance of liaison and communication is coming across. The committee considers the registration of cross-party groups. Why do we do that, and does it have a purpose? Section 6.3.11 of the code of conduct states:

“The Committee will also consider whether the purpose of a proposed Group overlaps the remit of an existing Group. The proposed Group will be asked to provide justification as to why its aim could not effectively be achieved within the existing Group.”

We have to bear that in mind when we consider whether a cross-party group should be established and registered.

Is it the general feeling that we will approve the registration of the proposed cross-party group but write to it asking for more information on the costings for the Lloyds secretariat and giving it a clear line that we are looking for it to communicate and liaise with other cross-party groups and consider holding joint meetings with them when that is relevant? From the application, the obvious point would be that, if the group is going to look at universities and industry, it should consider a joint meeting with the cross-party group on colleges and universities. Does that meet with everyone's approval?

**Members indicated agreement.**

**The Temporary Convener:** We have approved the establishment of the cross-party group on the Scottish economy, but we will write to it with our thoughts on the matter.

We move into private to discuss agenda item 5.

11:06

*Meeting continued in private until 11:17.*

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