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Pàrlamaid na h-Alba

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## **Standards, Procedures and Public Appointments Committee**

# **Standards, Procedures and Public Appointments Committee Annual Report 2022-2023**



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Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

<b>Introduction</b>	<b>1</b>
<b>Membership Changes</b>	<b>2</b>
<b>Inquiries and Reports</b>	<b>3</b>
Report on future parliamentary procedures and practices	3
Report on a Proxy Voting pilot	4
Standing Order rule changes - minor amendments	4
<b>Standing Order rules</b>	<b>5</b>
<b>Code of Conduct for MSPs</b>	<b>6</b>
<b>Commissioner complaints</b>	<b>7</b>
Jackson Carlaw MSP	7
Maggie Chapman MSP	7
<b>Lobbying (Scotland) Act 2016</b>	<b>8</b>
<b>Parliamentary Corporation Supported Bodies</b>	<b>9</b>
<b>Legislation</b>	<b>10</b>
<b>Equalities</b>	<b>11</b>
<b>Cross-Party Groups</b>	<b>12</b>
<b>Meetings</b>	<b>13</b>

# Standards, Procedures and Public Appointments Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members;
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.
- (f) matters relating to local government elections, Scottish general elections, implementation of the Referendums (Scotland Act) 2020 and Freedom of Information and open government falling within the responsibility of the Minister for Parliamentary Business.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.



[sppa.committee@parliament.scot](mailto:sppa.committee@parliament.scot)



0131 348 6924

# Committee Membership



**Convener**  
**Martin Whitfield**  
Scottish Labour



**Deputy Convener**  
**Bob Doris**  
Scottish National Party



**Emma Harper**  
Scottish National Party



**Edward Mountain**  
Scottish Conservative  
and Unionist Party



**Alexander Stewart**  
Scottish Conservative  
and Unionist Party

# Introduction

1. This report covers the work of the Standards, Procedures and Public Appointments Committee during the Parliamentary year between 13 May 2022 and 12 May 2023.

# Membership Changes

2. Previous Members of the Committee during the reporting year:
  - Collette Stevenson (25 January 2022 – 18 April 2023)
  - Tess White MSP (23 September 2021 – 25 May 2022)

# Inquiries and Reports



## Reports published

### Report on future parliamentary procedures and practices

3. The Committee concluded its inquiry into future parliamentary procedures and practices at the beginning of the reporting year, publishing its [report](#) on 6 July 2022.
4. The remit for the inquiry had been developed and agreed following a debate held in December 2021 on parliamentary procedures and practices. The inquiry focused on how the procedures in virtual and hybrid meetings of the Parliament and committees can be improved to retain the key features of debate and allow greater participation by MSPs and on the continuing use of hybrid working arrangements.
5. The Committee held four focus group sessions with MSPs and received 24 responses to its survey of MSPs. The Committee then consulted the Scottish Parliament Corporate Body, the Parliamentary Bureau, the Conveners Group and the individual political parties in order to take their views into account before making recommendation in its report to the Parliament.
6. The Committee concluded that there were strong arguments about the potential for hybrid arrangements to make the Parliament more inclusive and accessible and that hybrid arrangements would provide the Parliament with the flexibility in future to offer alternative means of participating in parliamentary business. The Committee therefore recommended that the Parliament should commit to retaining the facility for hybrid meetings and continually improve the infrastructure and the use of technology to deliver those meetings.
7. The Committee recognised that there were a number of circumstances in which

Members should have the option to participate remotely, including situations in which illness, bereavement, caring responsibilities, travel or weather disruption, or personal commitments inhibited their ability to come to the Parliament. The Committee therefore concluded that the Chamber and the committees should continue to have the capacity to hold hybrid meetings.

8. The Committee also concluded that there was a value in piloting a proxy voting and indicated its intention to consult on such a scheme before recommending a temporary rule change.
9. Following the publication of its inquiry report, the Committee held a debate in the Chamber on 22 September 2022.

## **Report on a Proxy Voting pilot**

10. The Committee drew on the views on proxy voting expressed in the Chamber debate on its report on future parliamentary practices and procedures and sought the views of the Parliamentary Bureau and the Presiding Officer on the key elements of a proxy voting scheme. Its report on a Proxy Voting pilot published on 29 November 2022 included a proposal for a Temporary Rule in Standing Orders.
11. Following approval of motion S6M-07078 in the Chamber on 6 December 2022, a pilot proxy scheme was approved to start on 4 January 2023 and be in place until December 2023.
12. The Committee has noted that a number of Members have arranged for another Member to act as a proxy and vote on their behalf. The Committee committed to reviewing the scheme with a view to proposing a permanent rule change to provide for proxy voting from 2024 onwards.

## **Standing Order rule changes - minor amendments**

13. The Committee published a report on 20 April 2023 recommending minor amendments to the rules to change all references to "Her Majesty" in Standing Orders to "His Majesty".
14. These rule changes were approved by the Parliament on 2 May 2023 and come into force on 4 May 2023.

## **Standing Order rules**

15. The Committee initiated consideration of the Standing Order procedures on consent in relation to UK Parliament Bills.
16. The Committee considered the recommendations in the report of the Parliament's Gender Sensitive Audit "A Parliament for All".

## Code of Conduct for MSPs

17. The Committee has considered a number of potential revisions to the Code of Conduct for MSPs and intends to consult on these revisions before reporting to the Parliament with recommended changes to the Code of Conduct.

## Commissioner complaints

18. The Committee has considered two reports from the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) in this parliamentary year. These were complaints against Jackson Carlaw MSP and Maggie Chapman MSP.

### Jackson Carlaw MSP

19. The complaint was that Jackson Carlaw MSP failed to declare a registered financial interest prior to the commencement of scrutiny of Public Petition PE1879 by the Citizen Participation and Public Petitions Committee on 6 October 2021. The Committee's full report can be accessed [here](#). The Committee agreed with the Commissioner's findings in fact and conclusion that Jackson Carlaw MSP's conduct in not declaring a financial interest breached the 2006 Act and the Code.

### Maggie Chapman MSP

20. The complaint was that Maggie Chapman MSP failed to declare a registered financial interest prior to the scrutiny of the Gender Recognition Reform (Scotland) Bill by the Equalities, Human Rights and Civil Justice Committee on 31 May 2022. The Committee's full report can be accessed [here](#). The Committee agreed with the Commissioner's findings in fact and conclusion that Maggie Chapman MSP's conduct in not declaring a financial interest breached the 2006 Act and the Code.

## **Lobbying (Scotland) Act 2016**

21. The Committee considered the evaluation of the Lobbying (Scotland) Act 2016 and agreed that the Scottish Parliament Information Centre should undertake part of an evaluation study to provide a basis for the Committee to consider whether the Act should be amended.

# Parliamentary Corporation Supported Bodies

22. Under the Parliament's Standing Orders, the annual reports or strategic plans of supported bodies are to be referred to the Committee within whose remit the subject matter of that document falls for consideration.
23. The Committee took evidence from the Commissioner for Ethical Standards in Public Life in Scotland on his annual report on 9 March 2023.
24. The Committee took evidence from the Scottish Information Commissioner on his annual report on 23 March 2023.

# Legislation



## SSIs considered

### 25. **SSIs**

During the Parliamentary year, the Committee considered one Scottish Statutory Instrument (SSIs) under the negative procedure:

Scottish Local Government Elections Amendment Regulations 2023 (SSI 2023/81)

# Equalities

26. The Committee took equalities into account in relation to its inquiry into future parliamentary procedures and practices. It proposed that hybrid meetings should continue to make the Parliament more accessible both for parliamentarians and witnesses and concluded that the Parliament should “commit to a culture of iterative change to allow it to be more representative, more open and more accessible in ten years’ time.”
27. In the development of the proxy voting scheme, the Committee proposed that one of the circumstances in which a member could request a proxy vote was parental leave. The Committee considered that this would provide an institutional mechanism which would be particularly important to female MSPs.

## Cross-Party Groups



118

Cross-Party Groups

28. A total of 118 Cross-Party Groups have either been accorded recognition by the Committee in this parliamentary session or re-registered on the basis that they been recognised in a previous parliamentary session.
29. Five new cross-party groups were accorded recognition this year and one cross-party group had its recognition withdrawn due to non-compliance with Section 6 of the Code of Conduct.

# Meetings



## Committee meetings

30. The Committee met 22 times during the parliamentary year. Nine meetings were held entirely in private, 13 meetings included items in private and no meetings were held entirely in public.
31. The items considered in private included the Committee's work programme, consideration of complaints, draft Committee reports, revisions to the Code of Conduct for MSPs and draft Standing Order rule changes.
32. This year, a total of 18 witnesses appeared before Committee.

