

SPPAC/S6/25/8/2

Standards, Procedures and Public Appointments Committee

Thursday 15 May 2025

8th Meeting, 2025 (Session 6)

Committee Effectiveness – written submission

1. This paper sets out written submissions that have been provided in response to the Committee's call for views from:

- Alba Party
- Scottish Conservative and Unionist Party
- Scottish Green Party
- Scottish Labour Party

Clerks to the

Committee May 2025

**Written submission from the Alba Party
4 April 2025**

Structure

Committees, as the Parliament's scrutiny function, demand a significant commitment from members to ensure the quality of scrutiny of proposed legislation. One pressing issue is the limited number of available committee members, given the practice of excluding Cabinet Ministers and junior ministers from serving. This often results in members being on multiple committees to meet party allocation, which can compromise the quality of their contribution when resources are overstretched.

The Gender-Sensitive Audit's output relating to committee membership quotas may exacerbate the risk of multiple committees for female members. Limiting committees to seven members with one committee per member would mitigate this risk.

In **Session 6** of the Scottish Parliament (from May 2021 to March 2025), 50 Bills were considered. **The Scottish Government introduced 76% of the Bills**, and **24%** were Non-Government Bills, raising the question of whether the current formula for allocating party members to committees best serves scrutiny of the majority government legislation.

Future parliamentary sessions may return smaller parties, so the committee structure must be more flexible to accommodate future parliamentary makeup. This is crucial to ensure we do not risk not accommodating expertise available from smaller parties or independent members due to an overly inflexible committee structure.

Are there structural and procedural changes which would improve committee scrutiny?

- smaller committees, with 5-7 members to allow tighter discussion and more agile scheduling
- allow more time for non-committee members to attend evidence sessions to ask questions on areas of specific interest to enhance scrutiny
- scheduled briefings with academics or practitioners before formal evidence sessions, especially on complex legislation or budget scrutiny, to enhance scrutiny in evidence sessions
- increase the quality of evidence sessions to ensure a rounded understanding of the subject matter or legislation under scrutiny
- allow pre-legislative scrutiny windows for key committees so they can shape the development of legislation early in the process
- easier for committees to bring in external advisers—for short-term analysis or ongoing technical support during complex legislative scrutiny
- call-for-evidence templates to gather targeted insights

Are there structural and procedural changes which would allow committees to be more effective with their time?

- evidence session can overrun due to unfocused questioning, which clearer, timed agendas could improve, sufficient time allocations for witnesses, and better pre-agreed themes by committee members to focus questioning
- enhance focused contributions through improved committee briefings, key questions, summaries, and background on witnesses.
- strengthen coordination through the Conveners and Parliamentary Bureau to ensure joint working or defined remits to avoid repetition where two or more committees may overlap inquiries or sessions on the same Bill or topic.
- witness prep briefings to make evidence sessions more efficient
- progress trackers to ensure committee workload is managed effectively

Elected Conveners

"Would elected conveners strengthen the committees of the Parliament, and if so, how?"

Yes, elected committee conveners and vice conveners would help create more stability and facilitate improved subject expertise in key committees across the parliamentary session. Given that future parliamentary sessions may return smaller parties, the committee structure must be flexible to accommodate future parliamentary makeup and leverage members' skills and experience in key roles to aid the committee stage of the legislative process.

Elected conveners could significantly strengthen Scottish Parliament committees by:

- direct election of conveners by the whole Parliament would give an independent mandate to help reduce the perception of party appointees overseeing the scrutiny of Government policy
- committees with confident, independently elected conveners are better equipped to hold ministers, officials, and stakeholders to account and would be perceived to have greater legitimacy among colleagues, witnesses, and the public
- an elected convener may feel more empowered to push back when sessions are vague, unproductive, or dominated by political positioning
- enhancing independence and authority, rebalancing power between the executive and legislature
- supporting stronger scrutiny through an elected convener with a broader mandate across party lines, more likely to act as a neutral chair and build consensus
- improve cross-party collaboration to help committees act more as scrutiny bodies than partisan forums
- rebalance power toward the legislature in line with international best practice - secret ballot used successfully in other legislatures

Evaluation

Are there additional opportunities for committees to evaluate and reflect on the work they undertake?

Yes, committee self-evaluation is underused and there is scope to:

- Post-legislative scrutiny to systematically revisit legislation 2–3 years after enactment to assess whether it is working as intended
- more structured evaluations that are critical and analytical to assess the impact of committee work annually and /or at the end of the session
- use stakeholder input to improve processes by evaluating the quality of evidence-gathering, scrutiny, stakeholder engagement, and impact
- better use of conveners group for deep evaluation of performance or effectiveness of committee system
- short surveys to witnesses and stakeholders after inquiries or legislation to ask: Was your voice heard? Was the process fair? Did the committee take your input seriously?
- commission external, independent reviews of committee effectiveness to focus on scrutiny, diversity of engagement, and impact on Government policy to strengthen the long-term impact and credibility of committees
- workshops to allow committees to pause and reflect on what's working or needs adjustment
- publish "lessons learned" notes after major inquiries and share best practices via the Conveners Group or internal briefings for institutional learning

How can time be built into work programmes for committees to evaluate their own approaches, especially where these may be new?

Building time into Scottish Parliament committee work programmes to evaluate their approaches is essential to strengthening robust processes for democratic accountability.

Allocate a short internal review session of 30–60 minutes for a future meeting to:

- Reflect on what worked
- Discuss what could be improved
- Capture learning for future planning

Fix annual/bi-annual review date in the committee calendar:

- Overall workload
- Committee dynamics
- The effectiveness of public engagement
- Emerging issues requiring new approaches

Use simple questions post-inquiry or review, such as:

- Did we hear from the right people?
- Was the format effective?
- Did members feel well-prepared?
- Did we influence the Government's response?
- Would we do it this way again?

Keeping a running log of lessons learned from different pieces of work.

**Written submission from the Scottish Conservative and Unionist Party
30 April 2025**

As with the response to your inquiry into elected conveners, I have agreed to respond to your letter on committee effectiveness on behalf of the Scottish Conservative and Unionist Party.

Indeed, there are a number of areas of overlap between the two inquiry responses, chief of which was that, in order to consider the prospect of elected conveners, we recommended a wider review into committees as the outcomes sought from creating elections for conveners may be better achieved through reform of the committee system.

In that regard, I offer my party's thoughts on the questions raised by your inquiry as well as some additional points our Members wished to raise which could be helpful in your determinations.

The response is attached in Annex A, where each point you raised is addressed and a summary of the recommendations from our response is included in Annex B. However, if there was one point we would wish to be stressed above all else, it is a proposal that Government Ministers should be excluded from the D'Hondt formula when calculating committee membership numbers and convenerships. This one move, alone, would make scrutiny of government and legislation in Scotland far more effective, with any other changes we suggest stemming from this change.

I look forward to seeing the results of your inquiry.

Annex A: Scottish Conservative & Unionist Party full response to SPPA Committee on committee effectiveness

STRUCTURE

Are there structural and procedural changes which would improve committee scrutiny?

D'Hondt and Ministers

1. We believe the current setup of the Parliament's committee system is flawed. It has, for successive sessions, led to in-built governing-party majorities on most committees.
2. The Parliament is likely to remain unicameral. The legislative-scrutiny role, usually taken on by a second chamber in other Parliamentary systems, is left to Holyrood's committees.
3. This has led to committees failing to scrutinise the Scottish Government and its legislation adequately, with governing-party majorities often nodding through legislation and shutting down scrutiny on instruction from their whips. A result of this has been the introduction and passage of poorly drafted legislation. On occasion, this has also led to Parliament's committee system completely redrafting error-filled legislation.
4. According to the Parliament's official "Guidance on Committees", the current system of allocating committee seats is as follows: "the number of seats for each party on each committee is decided on a roughly proportional basis. This gives the larger parties a share of seats on each committee that matches as closely as possible their share of seats".

5. Our solution is to exclude Scottish Ministers from the calculation for committee membership and convenership (note, this is not suggesting D'Hondt itself be changed nor that the exclusion of Ministers should apply elsewhere).

6. For example, if a governing party had 50 MSPs and there were 20 Scottish Ministers, then those 20 MSPs would be removed from the calculation, with the governing party's percentage share of committee seats based on their remaining 30 MSPs.
7. This change would allow for a more balanced committee membership, encouraging cross-party work on scrutinising legislation, while also representing smaller parties who would benefit from this adjustment in both membership numbers and convenerships.
8. The change would also accentuate the founding principles of the Scottish Parliament, with specific reference to encouraging power sharing.
9. We believe this change is the single-most important change that could be made to improve the Scottish Parliament's committee system.

Standardised membership sizes

10. Since the Scottish Parliament's opening, the size of committees has varied with no clear standard. A number of committees have too many members for effective scrutiny, with timetables bloated by conveners having to ensure everyone has a chance to speak.

11. After more than 25 years of testing, we believe that, subject to some rare exceptions, all subject committees should be no more than 7 members and other committees should be no more than 5 members.

12. Examples of subject committees include but are not limited to Education, Rural, Justice and Health. Examples of other committees include SPPA, CPPP, DPLR and Public Audit.
13. Enacting this change would allow for more effective committee scrutiny, by enabling each committee member more time and freedom to engage with the subject of the meeting.
14. This change would have an additional benefit of freeing up more MSPs for additional committees. For example, there is a request from the Net Zero, Energy and Transport committee's Convener for next session's Bureau to split the committee into two: a Net Zero and Energy Committee and a Transport and Infrastructure Committee. Another example includes the creation of a Post-Legislative Scrutiny Committee, which we suggest.

Clarity on authority and powers of a Convener

15. One point we raised in our submission regarding elected conveners last year was the lack of understanding among MSPs on the role and powers of conveners.

16. We requested formal guidance be published on the role and authority of conveners, which we believe would assist in addressing some of the problems highlighted in your inquiry. We repeat this call and would add a request for guidance on the role and authority of deputy conveners too.

Committee evidence

17. It has been noticed that some committees, whether through their convener or their clerks, often skew their witness selection to one particular viewpoint. Whether intentional or not, the current system allows too much room for subjectivity and, in some cases, the motivations of 'objective' clerking staff who have no democratic mandate.
18. Similarly, we believe that, while important, too much focus is placed on the public-sector perspective rather than including important private and independent sector organisations.
19. We understand and support the notion that the committee and convener have autonomy over their work programme and we recognise that some of our other suggestions could improve evidence-breadth (namely, addressing in-built governing-party majorities through exclusion of Ministers from the seat allocation share calculation), but we believe further action is merited.

20. We suggest that a breadth of evidence be encouraged in official committee guidance to reflect the breadth of factors constituting Scotland. We would suggest exploring whether such guidance could include checks to ensure objectivity and a breadth of evidence, as well as providing a route for more obvious cases of bias to be raised or complained about.

21. Too many organisations are lined up by governing-party conveners to attend committee and provide lines in support of Scottish Government policy. This is aided by the "cluttered landscape" of Scottish Government-funded organisations and schemes. MSPs are required to declare any financial interests they have upon attending committee meetings.

22. We suggest creating a rule in the Standing Orders that committee witnesses representing an organisation must declare any relevant financial interests to the committee, including the amount of public funding their organisation has received in the current and previous financial year.

Miscellaneous recommendations

23. We believe that, while frequently useful, the provision of suggested questions by subject Committee Clerks can put up a barrier to engagement with the subject, as well as encouraging some conveners to rigidly stick to the clerks' questions and treat independent MSP input as an afterthought. We would recommend that any guidance drafted for committees, encourage the promotion of freethought from committee members.

24. We would also suggest guidance include steps to move committee sessions away from repeating party-political lines and towards independent scrutiny of issues and legislation. We believe this would improve the quality of debate in the Parliament overall and should be enforced by conveners. This change should happen in conjunction with our main suggestion to remove the in-built majority of the governing party and would act as a balance for that change, encouraging parties to be less partisan in committee.

25. We believe there are not enough opportunities to properly question Ministers on the issues of the day. Therefore, we believe that at least once a year, upon invitation, Ministers should attend their subject committee for a question-and-answer session on all topics that crossover between their brief and the committee's remit.

26. The last two parliamentary sessions have highlighted a lack of power within the committee system to flex adequate power in evidence sessions. We suggest ensuring committees have and make use of authority to compel witnesses and demand documents, with non-compliance resulting in legal consequences under Section 23 of the Scotland Act.

27. Similarly, we continue to advocate that MSPs enjoy full parliamentary privilege in committee proceedings and in the chamber.

Are there structural and procedural changes which would allow committees to be more effective with their time?

Quality of legislation

28. As previously mentioned, the quality of legislation being introduced by the Scottish Government has deteriorated since the opening of Parliament in 1999. The reasons for this are not entirely clear, with theories including governing by press release rather than taking the time to seriously consider the requirements of the legislation announced at each Programme for Government, or the increased use of "framework bills", which are often vague in primary legislation, but which have the potential to confer significant unchecked "Henry VIII" powers to Government ministers through secondary legislation.

29. This has resulted in committees spending a greater amount of time scrutinising poorly drafted or unclear legislation and, recently, redrafting legislation to improve its quality. Examples of this include the Regulation of Legal Services Bill, which required more than 600 amendments at Stage 2, and the Land Reform Bill, which was delayed by a year and which may not retain its general principles, similar to the National Care Service Bill.

30. This is a poor use of committee time and limits Members' ability to effectively engage with the subject of bills, scrutinise their contents and, importantly, take part in non-legislation committee inquiries.

31. A suggestion to improve the quality of legislation and reduce the chance of legislating through amendments (and changing general principles at stages 2 and 3) would be to involve committees at an earlier stage of drafting bills. This could assist in pointing out errors earlier in the process in pre-legislative scrutiny.

Allocation of parliamentary resources

32. Another consequence of poorly-drafted legislation has been the increased pressure on the Parliament's Legislation Team who are stretched thinly in dealing with the above problems. This has been witnessed by my party's conveners who have experienced difficulty in meeting with the team due to their constraints.

33. While a solution for this could be to allocate more staff to the Legislation Team, we believe it would be better to try and address the cause of the problem, which we believe to be the fall in quality of Scottish Government drafting. We realise that the Scottish Parliament cannot control the Scottish Government, but we believe the steps we have outlined in this response would assist in improving the Parliament-Government scrutiny relationship and thus could bring about an increase in legislation quality.

34. On a related note, our conveners have highlighted a lack of clarity on how resources are allocated by the clerking team, with some committees enjoying a strong cast of clerks while others lack the same level of support. Clerks are also often bounced around between committees. Both of these points create an inconsistency in the support offered to conveners and a lack of continuity.

35. We would appreciate transparency and communication improvements in the system of allocating clerk teams to each committee, while of course respecting the continued autonomy of the chief clerk in making decisions relating to their team.

Scheduling and attendance

36. Due to the various reasons listed above, a combined consequence has been that committees are frequently struggling for time to undertake work.

37. Our conveners have highlighted some hurdles they have run into when trying to address this problem. These include being unable to set a meeting start time of 08:30, even though previous sessions allowed this, and being unable to schedule extra meetings in any given week.

38. This could perhaps be addressed through our repeated request for guidance on the powers of a convener, but it would be helpful for any such guidance to specifically address scheduling regular and additional committee meetings, which we believe should be decided by the convener.

39. In addition to this, we believe stricter guidance should be issued on committee absence, as our conveners have noticed an increase in the number of absences in this session in particular and an inequality in the treatment of absences and requirements for sending substitutes.

Waste of time and resources

40. Our conveners have highlighted a couple of areas where committee time is consistently being wasted.

41. The first area is wasted by the Scottish Government in its lack of engagement with the work undertaken by committees on pre-budget scrutiny. While the work itself would be valuable for any good-faith government, in practice, the Scottish Government often ignores the points made by committees in pre-budget scrutiny.

42. Unless there is a mechanism by which recommendations are guaranteed affirmative procedure (a vote in the chamber), we are not convinced that this time and resource-heavy practice should continue.

43. The second time-waste is less on the committee system itself and more on the workload of conveners. The regular Conveners' Group, in its current format, can be viewed as a waste of Scottish Parliament resources. The pre-scripted "questions" and the requirement for advanced sight to the First Minister on their appearance often renders the meetings as a staged performance rather than an information-gathering or scrutiny session.

44. We would suggest removing all Conveners' Group meetings except for those where the First Minister attends twice per year and removing the requirement for questions to be submitted in advance. Conveners should be able to ask relevant questions and Ministers able to provide relevant answers without scripting.

ELECTED CONVENERS

Would elected conveners strengthen the committees of the Parliament, and if so, how?

Elected conveners alone will not lead to meaningful change

45. While elected conveners could lead to a clearer definition of powers with accompanying accountability for conveners, it is not the only way of achieving that outcome.
46. As we stated in our previous response on elected conveners, which sought to provide our views on the questions posed in your elected conveners inquiry, we do not believe elected conveners alone would improve matters in the Parliament. It would need to be accompanied by a number of measures which we have outlined in this response.
47. To extend this viewpoint, we are only supportive of enacting a change to elected conveners if, at the very least, the in-built majority for governing parties in committees is addressed. We are concerned that some may view elected conveners alone as a way to tick a "committee reform" box without bringing about any meaningful changes.

48. Therefore, we would urge your committee to only enact elected conveners in conjunction with serious reform, namely the exclusion of Ministers from committee seat share calculations.

Disadvantages of elected conveners

49. If changes are made as set out above, then we feel we should highlight some of the potential hurdles for elected conveners to overcome.
50. While efforts may be made to make the election process as strong as possible, in a parliament of such small numbers there is no way to rule out other parties trying to game the system and elect a candidate they prefer for any given reason. Obviously nominations themselves could be rejected by the nominee, but this would not solve the issue of gaming the system entirely.

51. The Parliament is small enough that parties often only have one Member on a committee. If there was an election which only included members of the committee as nominees, and the D'Hondt method of allocating conveners continued, then there would be an election with only one viable candidate.
52. If, instead, elections were to take place at the start of a session before committee membership is agreed, then questions remain from our previous response on in-term vacancies, the removal of conveners, how conveners would be added and removed from the committee with specific reference to committee membership motions (if elected a conducer they could then be rejected as a member through a vote), clashing committee members standing for election in-term and the proposal that some committees should not have a governing party conducer (DPLR and Public Audit).

EVALUTATION

Are there additional opportunities for committees to evaluate and reflect on work they undertake?

Sunset clauses by default

53. As mentioned, the quality of drafting of legislation by the Scottish Government has deteriorated significantly over the last two sessions. Whatever the reason, the ideal solution would be for the Government's work to improve. However, we have no control over the quality of Scottish Government drafting.

54. Instead, we suggest that the Standing Orders be amended to require most Bills to include a 5-year sunset clause, which would force Parliament to review the legislation, evaluate its impact against intended outcomes and ultimately decide whether to keep it.

Post-Legislative Scrutiny Committee

55. In previous sessions, post-legislative scrutiny of all Acts was taken on by a single committee. In the 2016-2021 session, for example, this was undertaken by the Public Audit and Post-Legislative Scrutiny Committee.
56. It was decided that, in this session, each subject committee would complete their own Post-Legislative Scrutiny for relevant Acts. The given advantages for this approach was to maximise knowledge and experience with respect to the specifics of each Act.
57. However, given the tight constraints on time, particularly for some committees, in reality the post-legislative scrutiny element of the Scottish Parliament's key functions has largely disappeared.
58. We believe the experiment has not worked and thus changes need to be made to ensure this important element of legislating is given the proper time and resource allocation.
59. The benefit of this change has been on the focus of the Public Audit Committee.

60. Our solution, in combination with other suggestions we have made, such as limiting subject committee size to 7 members and introducing sunset clauses into most bills by default, would be to establish a bespoke Post-Legislative Scrutiny Committee, which would consist of 5 members.

61. The remit of this committee would be to scrutinise Acts and make recommendations to Parliament on the effectiveness of legislation, including the areas where it could be improved or removed. It would also be tasked with making recommendations to Government on general approaches to legislating that have or have not worked as intended (for example, the increased usage of “framework bills”), with a view to improving the quality of drafting legislation in future.
62. In the long run, the timetable of the committee would largely be determined by approaching sunset clauses, which should keep the committee busy given the number of Bills being passed each year.
63. The benefits of this approach include an increased focus on evaluation of existing legislation and approaches to legislating in future. It, in conjunction with our other recommendations, would also free up time for subject committees to handle their workload more efficiently.

How can time be built into work programmes for committees to evaluate their own approaches, especially where these may be new?

Committee time allocation in the Parliamentary week

64. It was noted that, in the past, the Parliament used a different timetable with a greater focus on committee work. This was changed to allow more time for chamber debates. We note that the work done in committees is generally of a higher quality and has a greater impact on our constituents than debate motions, amendments and speeches.

65. While the above problem is not necessarily within the scope of this inquiry, since it involves chamber business too, we do feel it would be worth considering whether increasing the time committees have to meet each week could help alleviate the workload issues some subject committees (Criminal Justice, for example) run into.

First week following summer recess

66. While the above suggestion may take longer to consider, we believe an immediate improvement that could be made would be to the first week back after summer recess.

67. We believe this first week should be used primarily for committees to meet and plan their work programmes. In practice, this would mean a limiting of chamber business on the first week back. Tuesday would have Topical Questions only, with a return to committee meetings in the afternoon. Wednesday would be the Programme for Government and Thursday would be FMQs, with committee work resuming in the afternoon.

68. We believe this change would give committees a better opportunity to consider their workloads in a more thoughtful way, which could benefit timekeeping throughout the year.

Minimum notice period for Legislative Consent Memorandums

69. A frequent issue our subject committee conveners run into is the unreasonably short notice they are given of Legislative Consent Memorandums. Often, the Government seeks a chamber vote on the Legislative Consent Motion too soon after committee first seeing the memorandum.

70. While we understand that, sometimes, the timetable is determined by the UK Parliament, we would also note that the Scottish Government often sits on Legislative Consent Memorandums for months before sharing them with committee, creating an artificially short period for scrutiny.

71. We suggest that there should be a minimum notice period for Legislative Consent Memorandums being shared with committee before being pushed to a decision in the chamber. This would include a requirement to wait until at least 5 counting days after the committee has published its report on the LCM before the chamber debate, working on a similar basis to the current rules in the Standing Orders regarding Stage 1 reports and debates.

Annex B: Scottish Conservative & Unionist Party Summary of recommendations

- A. Exclude Scottish Ministers from the calculation for the governing party's committee membership and convenership share
- B. Limit all subject committees to no more than 7 members and other committees to no more than 5 members
- C. Formal guidance to be published to include:
 - a. Clarity on the role and authority of conveners and deputy conveners,
 - b. an encouragement for maximising objectivity and non-partisan behaviour for conveners, clerks and committee members,
 - c. an encouragement for committees to make use of a breadth of evidence,
 - d. the provision of checks and an accountability process to ensure objectivity in committee evidence is maximised where possible,
 - e. an encouragement for facilitating freethought of committee members,
 - f. clarity on the scheduling of committee business with a view to empowering conveners to call committee meetings more frequently when the work programme demands it, and
 - g. stricter rules on committee absences to bring it closer to the criteria for sending a substitute
- D. Standing Orders Rule to be introduced requiring committee witnesses to declare any public finance interests before giving evidence to committee, including funding amounts for the current and previous financial years
- E. Committees to host annual question and answer sessions for Ministers, covering any and all topics relevant to the crossover of their portfolio and the committee's
- F. Granting committees the authority to compel witnesses and demand documents, with legal consequences for non-compliance
- G. Granting MSPs full parliamentary privilege in committee and chamber proceedings
- H. Committees to be included in pre-legislative scrutiny to assist in the quality of legislation
- I. Increased transparency of resource and clerk allocation decisions
- J. Affirmative procedure to be introduced for pre-budget scrutiny recommendations or, failing that, providing conveners with the option to skip this work where they believe it will be ignored by the Scottish Government
- K. The Conveners' Group be scaled back to two meetings per parliamentary year, with the First Minister answering questions from conveners which have not been submitted in advance
- L. Ensure the implementation of elected conveners is tied to meaningful steps to empower committees, namely our suggestion of excluding Ministers from committee seat share calculations
- M. Introduce a Standing Orders rule requiring most bills, with exceptions, to include a 5-year sunset clause

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- N. Establish a 5-member Post-Legislative Scrutiny Committee to review all legislation as the sunset clause approaches
- O. Change the parliamentary programme in the first week returning from summer recess to provide committees with more time to forward plan their work programme by limiting chamber business to Topical Questions on the Tuesday, the Programme for Government on the Wednesday and First Minister's Questions on the Thursday.
- P. Introduce a minimum notice period for Legislative Consent Memorandums being shared with the relevant committee before Parliament is asked to vote on consent, similar to rules on Stage 1 report deadlines

**Written submission from The Scottish Green Group
3 April 2025**

Committee Scrutiny Functions

The Scottish Green Group feel that the Parliamentary Committees are not upholding their scrutiny function effectively.

Committee inquiries, while often of high quality, frequently lead to no action. There should be a structured follow-up process to ensure recommendations are implemented. If follow-up is not feasible within the parliamentary session, legacy reports should explicitly recommend that successor committees prioritise it.

Budget Scrutiny

- 1) Budget scrutiny is largely ineffective and requires a complete overhaul. A more rigorous process is needed to ensure financial oversight is meaningful.
- 2) Within the budget scrutiny process, evaluating how budget decisions align with Government strategy and stated priorities is nearly impossible. For example, it is of critical importance to ensure climate scrutiny across budget lines.
- 3) Alongside financial it needs to be clear how reforms agreed between parliament and government in the last session are being progressed.

Post-Legislative Scrutiny

- 1) The lack of post-legislative scrutiny is a significant issue. Many laws are passed, targets set and then forgotten, resulting in a failure to assess their effectiveness.
- 2) The first half of parliamentary sessions should be dedicated to post-legislative scrutiny, ensuring laws are functioning as intended before committees move on to new inquiries.
- 3) Framework legislation and government targets should also be subject to systematic follow-up to ensure compliance.

SPCB Supported and Public Bodies

- 1) Parliamentary committees are failing to provide adequate scrutiny of SPCB-supported bodies, and public bodies beyond government. Important findings from SPCB bodies are often ignored due to a lack of committee mandate to engage with their work. A structured approach, similar to the Audit Committee's weekly sessions with the Auditor General, could improve oversight.
- 2) Similarly Parliamentary Committees should have duties and mechanisms to effectively scrutinise other public bodies such as Environmental Standards Scotland.
- 3) It is important that committees continue to have access to specialist advisors to help with scrutiny.

National Performance Framework

Committees should have a clearer role in monitoring progress against the National Performance Framework and other government targets. Aligning committee work with government priorities would enhance scrutiny. At present, the first half of parliamentary terms can be taken up pursuing members personal interests which has the result of reducing the time available to pursue new or amend existing legislation within the term.

Committee Operation and Participation

- 1) Pre-briefings are essential for committee effectiveness, yet some convenors do not conduct them, leading to disorganised questioning. Without pre-briefs, members may unknowingly repeat questions or lose time adjusting their lines of inquiry.
- 2) SPICe support is valuable, but the structured questions provided in briefing papers often result in MSPs simply reading them out rather than engaging with the subject matter. A lighter-touch approach would encourage deeper engagement. Similarly, ministers reading scripted answers diminishes the quality of scrutiny.
- 3) Opposition MSPs using committee sessions for "gotcha" questions to generate headlines undermines scrutiny, which is better suited to Chamber debates. Additionally, debates in the Chamber often lack depth due to rigid party lines. Increasing committee-led debates would improve parliamentary discussion quality.
- 4) A large amount of Chamber time is wasted on repetitive and unproductive debates, partly due to government reluctance to risk lost votes and partly because opposition parties do not push for more substantive discussions. More time should be allocated to committee-led debates, as these tend to be more informed and constructive.
- 5) Bad behaviour in committees, such as badgering witnesses or talking over convenors, should not be tolerated. Convenors should enforce decorum and protect witnesses from targeted attacks. Mechanisms should be in place to call out inappropriate behaviour without fear of retaliation.

Committee Structure and Governance

- 1) Committee convenors should be elected rather than appointed based on party agreements. The current system allows larger parties, especially the governing party, to use convenorships as rewards for backbenchers, reducing independence and effectiveness. This was a recommendation of the Parliamentary Commission established by the previous PO but has not been enacted in this session which is disappointing.
- 2) Party and gender balance in committees should be prioritised to ensure diverse representation. Electing convenors should be structured to avoid popularity contests and ensure those chosen are committed to rigorous scrutiny.
- 3) Cross-committee collaboration should be standard practice to address issues that cut across departmental lines. This would help overcome siloed working and ensure comprehensive scrutiny of multi-faceted issues.
- 4) Committees should have greater powers, including the ability to compel witnesses to appear, to strengthen their oversight capabilities.

Enhancing Participation and Efficiency

- 1) Committees should be more engaged with participatory and deliberative democracy initiatives, such as citizens' juries or assemblies, to increase public involvement in decision-making. In particular, consideration should be given to how to work more effectively with and hear from young people.
- 2) It is worth emphasising the importance and value of private sessions where witnesses may feel unable to give public evidence.
- 3) Internal committee communications, such as WhatsApp or Teams chats, have proven useful for live discussions and should be encouraged where appropriate.

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- 4) Voting procedures in committees could be streamlined to avoid unnecessary delays, with convenors taking a more decisive role in announcing outcomes without excessive back-and-forth paperwork.

**Written submission from the Scottish Labour Party
23 April 2025**

Scottish Labour Response to Committee Effectiveness Enquiry

Thank you for your letter dated 27 February 2025, please find below the response from the Scottish Labour Party to the points you have raised.

In general terms we fully support the committee system and the essential role it plays in the unicameral nature of the Scottish Parliament. Our committees do useful and important work, but they have not been the driving force in Scottish Politics they were intended to be.

In response to your specific questions, we would say the following

Structure:

The Committee will consider the current structure of committees. This theme encompasses the best size of committee membership, the number of committees, and the remit of committees, including whether they should mirror the Scottish Government Ministerial portfolios or whether a different approach could be taken.

Response;

There is a challenge over the size of committees and whether some are too large to be as effective as they should be. Larger committees seem to struggle for consensus more than smaller committees, making it harder for them to develop clear and distinctive positions and a distinct identity

In light of the expansion to the Scottish Government's responsibilities and capacity, an open and transparent discussion of parliamentary capacity is required and there must be sufficient committees to properly scrutinise legislation and hold the government to account as well as the statutory committees. Scrutiny could be strengthened through the use of sub committees and one-off legislation committees. The practical limit of available committee room space and resource should not be a deciding factor in the number of committees.

The committee structure has almost always mirrored the Ministerial portfolios. While it is important that each Minister has a committee responsible for scrutinising their responsibilities this does not necessarily need to be just one committee. Many issues crossover ministerial portfolios and to be tied to Scottish Government portfolios, mirroring an often-siloed government approach, would risk missing opportunities to hold the government to account and potentially interesting and impactful areas of investigation.

The Gender Sensitive Audit set out a suite of proposals relating to quotas for committee membership. As a Committee, we have agreed that, as a minimum, there should be no single sex committees. We intend to propose this change take effect from the start of the next parliamentary session.

The key questions the Committee will seek to answer on this theme are:

- Are there structural and procedural changes which would improve committee scrutiny?*
- Are there structural and procedural changes which would allow committees to be more effective with their time?*

Response;

We fully indorse the proposal that there should be no single sex committees. Procedural changes are important as ensuring no single sex committees exist depends on the pool of MSPs each political party has. It is obvious, but if there are single sex parties (disappointing as that would be) they would not be able to prevent a single sex committee occurring if they were the last party to nominate.

Scrutiny will be strongest if our committees are representative of the broader population. Therefore, the Parliament should look at ways in which to encourage political parties to embrace gender balance, making it then more achievable to have gender balance on committees.

Going beyond the gender sensitive audit recommendations, thought should be given to allowing committee meetings out with the current three-day morning slots. Hybrid facilities mean a wider time frame should be considered to reflect caring commitments and facilitate better gender balance in the parliament.

We do not support committees sitting during plenary although the facility should exist for exceptional reasons.

Further, we support strengthening Committee's powers to compel witnesses to appear. While committees currently have the powers to compel witnesses to appear and demand documents are provided, the limitations of this power have been demonstrated in practice. Despite the general power of committees, individual members of the corporate body are legally liable for any decision made to compel witnesses and the sharing of evidence.

Experiences in recent years have shown that this creates too great a barrier to committees using their powers, hindering Committee's access to evidence, and must be changed.

Committee's also have limited power to call on UK Government Ministers to give evidence. While this may be understandable given UK Ministers are accountable to the UK Parliament, in areas of policy interdependence between UK and Scottish Governments there is a strong case for Scottish Parliament committees to have the right to seek evidence from UK Ministers to further their inquiries and have a full view of issues for which Scottish Ministers have some responsibility.

It is also essential that committees increase their work of community outreach and travelling across Scotland to hear views on a range of issues. Not only does this improve accessibility of the Scottish Parliament, but it is also crucial for committees to strengthen their collective identity and shared duty of scrutiny over party affiliations.

Elected Conveners

The Committee has already consulted on the practical operation of elected conveners. The Committee will consider what cultural changes it thinks elected conveners would bring to the operation of committees.

The key question the Committee will seek to answer on this theme is:

"Would elected conveners strengthen the committees of the Parliament, and if so, how?"

Response;

We believe that convenors should be elected by the whole chamber but that nominations should only be taken from the specific party holding the convenorship of that committee.

Scottish Labour believe that the direct election of conveners by MSPs would be a first step in bringing about greater independence for committees.

As well as providing conveners with a stronger mandate to scrutinise the government it could also provide an alternative to serving in government as a way for MSPs to gain influence and progress. Similar reforms have been successfully implemented in parliaments elsewhere, with positive results for scrutiny and government accountability. Consideration of combining election with an additional payment for conveners would also boost their profile and accountability, in addition to reinforcing the significance of the role.

With regards to the process of elections, we support the following suggestion laid out in the 2017 report on Scottish Parliamentary reform:

“Once the party of the convener is agreed by Parliament a nomination period should be available for candidates to put themselves forward for election.

There would then be a limited period of time for the candidates to campaign before the election was held in the chamber by secret ballot. Following the election, the committee membership could then be agreed. The fact that nominees for convener would likely be required to secure cross party support to be elected would encourage competing candidates to share their views and

vision about the committee’s future work in order to persuade others to vote for them. In contrast to the current practice, election by Parliament would also provide the opportunity for more than one nominee from a party to put themselves forward, thus empowering individual MSPs especially where they may otherwise only have one representative on a committee.”

It is possible that given the number of MSPs in the Scottish Parliament, the immediate outcomes of the elections would not differ greatly from under the current system. It would also still be possible for political parties to ‘engineer’ the success of the candidates of their choice. However, we believe these changes could be the start of a long-term shift in how committees operate.

These issues could also be tempered by removing the vote from Ministers, who arguably should not have a say in the members leading scrutiny of the government.

Evaluation

The Committee will consider how committees currently evaluate their work and whether there are changes or improvements which could be made.

This may include approaches to pre and post legislative scrutiny and considerations of how work is planned to build in evaluation and reflection. The key questions the Committee will seek to answer on this theme are:

- Are there additional opportunities for committees to evaluate and reflect on work they undertake?*
- How can time be built into work programmes for committees to evaluate their own approaches, especially where these may be new?*

A research briefing giving background context was prepared for the Committee by SPICe and the Committee Adviser Dr Danielle Beswick and has been made available online.

Response;

Evaluation of a committee's effectiveness is essential, and time and resource should be made available to build this in to not only workdays, but also design of specific inquiries.

The role of pre and post legislative scrutiny forms part of this and indeed should form part of the bill proposal and stage 1 report.

Changes will only be effective if they happen as part of a wider discussion on committees' capacity.