Standards, Procedures and Public Appointments Committee

11th Meeting, 2025 (Session 6), Thursday 19 June

Scottish Parliament (Recall and Removal of Members) Bill: analysis of written evidence

Introduction

Graham Simpson MSP introduced the Scottish Parliament (Recall and Removal of Members) Bill ("the Bill") on 17 December 2024. A SPICe briefing on the Bill is available.

The Committee issued a call for views on 26 February 2025. The call for views closed on 4 April 2025.

The questions asked in the call for views are set out at Annexe 1[1]. All of the submissions are published and available on the Scottish Parliament website.

Submissions received

The Committee received 29 responses to its consultation[2]. Of the 29 responses 23 were from individuals (including academics and joint academic submissions) and 6 were from organisations. The organisations which responded were:

- Association of Electoral Administrators
- Electoral Commission
- Electoral Management Board for Scotland

[1] The call for views asked nine questions. Each question asked respondents to state 'Yes' 'No' or 'Don't know' and then allowed free text to provide reasons for the answer if the respondent wished to provide additional detail. The 'don't know' response was often used by those organisations and individuals not wanting to take a policy position on a certain question.

[2] One duplicate response was received from James McBryde, including this duplicate the total number of responses was 30.

- Law Society of Scotland
- Transparency International
- Scottish Assessors' Association

Summary of submissions received

Principle of recall

The majority of individuals who responded to the call for views supported the principle of recall. The Law Society of Scotland also supported the principle that voters should be able to recall an elected representative. None of those who responded to the call for views said that they did not support the principle that voters should be able to recall one of their MSPs.

In response John Munro stated:

> MSPs in Scotland do not appear to be accountable and appear on the face of it protected by the party when they are in fact elected by the people. Therefore the people should have the say. If they are fit to hold post.

Kevin McIntyre wrote that:

> This bill will help to strengthen the democratic process and allow constituents more control over the individuals representing them. Far too often once elected, individuals have scant regard for the public knowing that they cannot be touched during their term and this bill helps in terms of that process.

Another respondent, Mrs A Maxwell, noted that:

> Voters are responsible for the MSP being elected and, as such, they should also have the responsibility (in part) for recall of the MSP. MSPs are in parliament to represent every one of their constituents, not to represent themselves.

A similar point was made by Jordan Carswell who stated that:

> MSP's are in parliament to represent their constituents and if their behaviour falls well below the standards then the public have a right in a democratic country to remove them from this privilege position.

Other responses were stronger, James McBryde, for example felt that:

> It is a disgrace that electors don't already have a process to allow this to happen.

Dr Ben Stanford of Liverpool John Moores University also supported the principle of recall, stating that:

> Responding to the improper conduct of elected politicians has attracted much attention in recent years, with questions raised over the effectiveness of

> current standards, who should police them and the fairness of investigation processes.

In its response Transparency International stated:

> Recall petitions have the potential to act as a deterrent against impropriety and enable the public to hold elected representatives to account between elections.
>
> The Westminster system has shown that in some instances, those who would be subject to a recall petition have resigned before this process has started. However, there are others where a recall petition was triggered yet the Member who committed an egregious breach of parliamentary rules still remains in office. This highlights the tension between seeking a democratic mandate for removing a member from Parliament and providing a firm deterrent against serious misconduct.

Three respondents – the Electoral Management Board for Scotland (EMB), Scottish Assessors' Association (SAA) and Association of Electoral Administrators (AEA) – did not take a position on the principle of recall, noting that this was a matter of policy[3]. The EMB did, however, state that:

> The underlying principle is whether there should be conditions under which an MSP is removed from office. If there are deemed to be such conditions then a recall petition is one method that has been used in other jurisdictions for some circumstances, with voters making input to the removal. Other routes may exist some of which may be simpler and cheaper. The Committee may wish to explore some of these other approaches.

Similarly, AEA noted that if it is decided that:

> […] MSPs should be removed from office under certain conditions, we question whether, in general, recall petitions are the best option.
>
> As we state in our New Blueprint for a Modern Electoral Landscape[4], we believe the UK Government should "Abolish recall petitions and instead legislate for an MP's automatic disqualification from office based on the three recall triggers in the Recall of MPs Act 2015."
>
> The UK Parliamentary system has shown recall petitions are costly and usually end with the MP losing their seat. Since the Recall of MPs Act 2015 was implemented, five recall petitions have been initiated in Great Britain. Four resulted in successful recall, the fifth was terminated early due to the sitting MP resigning their seat. A recall petition in North Antrim, Northern Ireland in 2018 did not attract the required number of signatures to recall the sitting MP.

[3] These respondents used the 'Don't know' field on the closed question.
[4] AEA's Blueprint for a Modern Electoral Landscape [July 2021]

> The cost of holding a recall petition is expensive…If the triggers for a petition were instead incorporated into the disqualifications for holding office, Members could lose their seat without the need for a petition.
>
> Automatic disqualification removes the chance of the Member remaining elected, but removes the administrative burden for Petition Officers and the cost to the public purse.

Three of the submissions (Professor Alistair Clark of Newcastle University, the joint submission from Dr Andrew Tickell, Dr Catriona Mullay and Dr Nick McKerrell from Glasgow Caledonian University and the Electoral Commission) did not answer the closed question on whether or not they supported the principle of recall, but the academic submissions did put forward alternative models which are covered elsewhere in this paper.

A number of respondents, although supportive of the principle of recall, made further comment on recall in the Bill. Transparency International, for example, suggested that:

> The Committee may wish to consider whether there are some forms of impropriety that are so egregious that they merit expulsion without recourse to recall…We would suggest breaches which cause harm to others, which would include bullying or harassment, be among those considered to be in this category.

Stewart MacGregor although supportive of the principle of recall stated that "it must be on the same terms as normal employees" suggesting that "the current proposals give elected members preferential treatment over normal employees which is unjust, unfair and most importantly unreasonable."

Triggers for recall provided for in the Bill

The Bill sets out the process by which an MSP can lose their seat in the Parliament through a recall petition. This occurs in two instances:

1. where an MSP is convicted of a criminal offence and sentenced to a prison term of less than six months

2. where an MSP is sanctioned so as to prohibit them from taking part in parliamentary proceedings or entering the Parliament building for a period of 10 sitting days or more (or 14 calendar days or more).

Of the 29 respondents; 17 supported the triggers as set out in the Bill; 2 did not support the triggers; 7 respondents (mainly organisations which saw this as a policy question) answered "Don't know" to this question and 3 respondents did not answer the question.

There was a range of views amongst those who agreed with the criteria. For example, James McBryde stated that "The criteria for triggering a recall are reasonable and logical"; whilst another respondent, JE Moylan, was supportive of the criteria but added that "any sentence however short should be automatic removal

from the job and a by-election held". Jordan Carswell who also supported the triggers for recall stated:

> Agree as both criteria set the bar really high so if an MSP hits the threshold for either then they must have done something wrong and need to be held accountable to their constituents.

David Mitchell responded to indicate that whilst the criteria were agreed in principle, they should both be more "stringent":

> - any criminal prosecution and any length of prison service should prompt recall proceedings
> - non attendance of 90 days should prompt recall proceedings - if not for medical reasons

Mr Mitchell also felt that "there should be some sanction for repeated disruptive behaviour in the parliament chamber when a member is clearly incapable of working in a respectful and collaborative way - behaviour expected by the majority of constituents."

Caroline MacFarlane indicated agreement with the criteria, but went on to state that the trigger should be:

> […] any criminal offence. MSP's should be 'squeaky clean'. Being an MSP should not be an excuse for bad behaviour, but a reason to excel and set by example how our country should run.

The two respondents who did not support the triggers as provided in the Bill were Stewart MacGregor and David Smith. Mr MacGregor stated that:

> Additional trigger mechanisms must be added if there is to even be a facade of fairness in the legislation.

David Smith wrote:

> I agree MSPs should be removed if they are excluded from Holyrood for 10 sitting days by their fellow MSPs or received a prison sentence. However, I consider MSPs who do not attend Parliament in person for 180 days and do not have a good reason for their non -attendance far too "wide". As in a private work place setting a MSP should account where he/she is each day Parliament sits, (published on the web) providing sickness notes where relevant and can be automatically removed if they do not attend Parliament in person for 60 days.

One respondent who answered 'Don't know' to the question on whether they supported the recall criteria as provided for in the Bill was Kevin MacIntyre who felt that the legislation should be widened to include councillors, stating:

> I support the criteria as it sits for MSPs however […] I think it should be expanded to include locally elected councillors and set at approx 1000 ward voters.

Dr Stanford agreed with the criteria for triggering recall, stating:

> Taking inspiration from the Recall of MPs Act 2015 is a logical and sensible starting point. I support the two general conditions for triggering a recall. The mechanism should not be triggered simply because constituents dislike an MSP's character or conduct, or even if constituents disapprove of an MSP's voting record. Such a possibility would risk jeopardising the credibility of a representative democracy and the stability of Parliament following a general election.

The submission from Dr Stanford did, however, raise two further points in relation to the criteria for recall. The first being why failing to attend proceedings of the Parliament for 180 days without a good reason leads to automatic removal rather than disqualification. In Dr Stanford's view:

> This is potentially open to abuse by what can be considered a "good reason" for an absence. Such a move would need considerable safeguards to protect against highly concentrated pressure groups with vested interests, for example by requiring clear evidence of an MSP's protracted absence without reasonable cause from Parliament.

The second point raised by Dr Stanford was in relation to a further criteria for recall:

> An additional criteria that could be considered for recall is if an MSP defects and changes political party whilst in office, despite being voted in to office representing a different party. This has occurred in the House of Commons on several occasions and has generated much controversy.

Of the organisations which responded to the question on whether they agreed with the criteria for recall, the majority (Transparency International, Electoral Commission, SAA, AEA and EMB) did not take a position on whether they agreed with the criteria or not (selecting 'Don't know'). The Law Society of Scotland agreed with the criteria stating "In our view these are reasonable criteria.".

Although EMB took the view that the criteria were a policy question, the submission suggested that:

> […] the Committee may wish to consider the justification for the shorter trigger period for MSPs' removal. […]UK- wide consistency is generally preferred across stakeholders although devolution rightly allows alternative approaches suited to national circumstances.

AEA also stated that the criteria were a matter of policy and did not take a view, but noted a similar point to the EMB around consistency across the UK, stating:

> Wherever possible, we advocate consistency in electoral processes across all GB nations for the benefit of all stakeholders. If a recall process is introduced, we would urge using the same trigger as for the House of Commons.

> The first criteria is like the UK Parliamentary recall condition, where an MP is suspended from the House of Commons for 10 sitting days or 14 calendar days.
>
> But the proposed criminal offence criteria is different to that for UK recall petitions. For the House of Commons any sentence under 12 months triggers a recall petition, and, like currently in Scotland, sentences of more than 12 months result in automatic removal.

The Electoral Commission did not take a view on the criteria, noting that this was a policy question, but highlighted that:

> In relation to the criminal offence ground for recall, a criminal sanction only triggers a recall once the appeal period has ended. Clause 3(1)(c) differs from the UK legislation in allowing the criminal-offence ground to apply only if it is not 'materially' overturned (as defined in the Bill) on appeal.

Similarly, Transparency International did not take a view on whether or not it agreed with the criteria for recall provided for in the Bill, but stated that:

> An examination of recall processes triggered at Westminster, as well as suspensions made in the Scottish Parliament and the Senedd, demonstrates that the type of offences involved vary in substance and seriousness.
>
> We would suggest clarity on which sanctions are available and how they might be applied would provide for natural justice and serve as a deterrent if Members could see what sorts of sanctions would be considered.
>
> It seems prudent to not reduce the number of days to less than ten to ensure graduated sanctions are available where the wrongdoing would not warrant a recall petition but is serious enough to justify a suspension.
>
> To avoid partisan decisions, we suggest the Standards, Procedures and Public Appointments Committee in the Scottish Parliament follow the Westminster Standards Committee, and the recent recommendations of the Senedd Standards of Conduct Committee, and appoint lay members to assist with investigations and recommendations for sanction.
>
> We also suggest plenary votes on recommendations for sanction should be explicitly removed from the party whipping operation and any such whipping itself be subject to investigation.

Thresholds for recall petitions

Whether a recall petition is successful depends on the percentage of the electorate which signs the petition. The threshold provided for in the Bill for both constituency and regional MSPs is 10% of all those eligible to sign the petition in the constituency or region. In the case of regional MSPs, there is an additional criteria which requires that the 10% threshold is also met in at least three constituencies within the region.

In response to question 3 'Do you support the thresholds for a recall petition being successful as set out in section 14 of the Bill?', 14 respondents answered 'Yes'; 5

answered ‘No’; 7 answered ‘Don’t know’ and 3 did not answer this question specifically.

Many of the individual respondents who answered ‘Yes’ to this question did not provide additional comments on why they agreed with the provision. Some of those who did expand on their reply offered similar responses to those given for question 2, for example, Archie Scott who stated:

> At present there is a massive lack of accountability at Holyrood.
>
> This measure in a very small way would begin to address this.

James McBryde was another individual who agreed with the provisions on thresholds set out in the Bill, stating that the “Thresholds are sensible”.

John Munro was one individual who responded that they did not agree with the threshold, stating:

> I would say that like many of these petitions there seems to be a lack of public trust in the establishment to organise and implement them in an open and transparent way and that the outcome is rarely in favour of the public but I agree that the public should be able to instigate the process as set out in the proposal.

David Mitchell also disagreed with the thresholds provided for in the Bill stating, “I would be in favour of more stringent thresholds being applied.”

Two of those who disagreed with the thresholds, David Smith and Stewart MacGregor made similar points, suggesting that the threshold should be based on voter turnout at the previous election, rather than on a percentage of those eligible to vote. David Smith stated:

> I would amend the recall petition in relation to a constituency member is successful if the petition was validly signed by at least 10% of the total number of persons who voted in the last election rather than 10% of those who were entitled to sign the petition.

Stewart MacGregor’s view was that “The thresholds proposed are unreasonably and unfairly onerous” as “They appear to be based on a percentage” of those eligible to vote “rather than the turnout” for an election.

The Law Society of Scotland supported the thresholds set out in the Bill, but stated in relation to thresholds for regional recall petitions:

> […] urban seats generally have larger electorates […], it could be potentially easier to oust MSPs in rural areas, as it would be easier to attain 10% of the electorate to sign the petition. The disadvantage in rural constituencies might have some validity for example Na h-Eileanan an Iar constituency is proposed to have a population of 21,769 whereas Central Edinburgh has 59,203. It might be easier to get 10% of the smaller number. This provision needs more thought to ensure fairness.

Transparency International answered 'Don't know' to question 3, but stated "We see value in a consistent approach across the UK."

Similarly, AEA did not take a position on whether it agreed with the thresholds or not, but noted that the proposed process for regional recall would increase the administrative burden:

> Checking the required signatures are from at least three constituencies will create an additional administrative burden for Petition Officers.

The EMB noted that "the determination of thresholds for the success of a recall petition are for policy makers in the Scottish Parliament to decide" but stated that:

> The proposed threshold for the successful recall of a constituency MSP is the same as for MPs in the UK Parliament, i.e., 10% of those entitled to sign the petition. The proposed recall for a regional MSP presents a higher bar – thus treating differently-elected MSPs differently - and would require a 10% threshold across the region as a whole, plus an additional threshold of 10% across at least three of the constituencies in the region. The administrative burden and cost of operating a recall petition across a region would need to be recognised, with the challenges of a more complex count of signatures. Petition Officers would always complete the task as set by the rules in legislation, however the proposed approach significantly adds to both the cost and complexity of the exercise.
>
> As is noted elsewhere in this response, there are lessons to be learnt from the UK recall process which should inform the development of any such process in Scotland. These have been identified in Electoral Commission reports following each of the Westminster recall petitions and include the need for more specific rules on procedures for elements of the petition process and the counting of the signatures. The proposed method for the counting of signatures in a regional recall would need well-articulated rules given the two stage threshold and clear guidance from the Electoral Commission.

The Electoral Commission did not give a view on whether it agreed with the thresholds in the Bill, but sought clarification in relation to the requirement for regional recalls stating:

> We would like further clarification on the impact assessment for the 3-constituency requirement in cl 14(4)(b). Current Scottish Parliament electoral regions (subject to review by the Boundary Commission Scotland) hold between 8-9 constituencies across large geographical and island areas. It would be helpful to understand what, if any, consideration has been given to the impact on larger and rural areas including printing, verification and count arrangements to ensure that overall and separate constituency count totals are available. For example, is the expectation that Petition Officers would run separate counts in each constituency or that all signing sheets should be returned to a central location with measures put in place to ensure there is no mixing of signing sheets? There would be differing considerations and resource implications for Petition Officers depending on the approach.

Operation of the recall process

Question four asked 'Do you have any comments on the practical operation of the recall process proposed in the Bill including, the recall petition, constituency by-elections or the regional poll?'.

John Munro stated:

> I think we need independent auditors to ensure transparency of the process and that it is fair for both the MSP and public.

Jordan Carswell was of the view that:

> If a list MSP loses their seat after a successful recall petition then I agree that a new poll should take place. […] This should go out to the public to make the decision in a regional poll which would be same if a constituency MSP lost their seat after successful recall petition.

David Mitchell noted that political parties can "pursue recall petition signatures as a means of forcing the sitting MSP from office" and suggested that "Consideration should be given to a less partisan approach to interacting with constituents. Could this be managed by an independent resource." Mr Mitchell also suggested that:

> The party of the MSP being recalled should fund the cost of the by-election process, since this might encourage a higher standard of behaviour and performance in Public Office. These are very well paid jobs and the public deserve to have good quality MSPs in parliament.

A couple of individual respondents also felt that the process should be "automatic", meaning an MSP would be removed from office rather than recalled.

Transparency International was content with the proposal in relation to constituency MSPs, but noted that it:

> take[s] issue with the proposal for the regional poll. Once the recalled MSP has either chosen not to fight to keep the seat or is unsuccessful in that endeavour, the proposal is that any vacancy be filled by the next available candidate on the closed party list.
>
> We do not believe that a simple replace with the next listed candidate will help restore trust in politics. Nor do we think that the public will accept a 'like for like' party selected replacement as serving justice or accountability. The fact that every contested recall inspired by-election has seen the seat change party hands suggests the public see a link between the behaviour of the individual and the party they represent.

Dr Tickell et Al stated that:

> […] the proportionate design principles of devolution make extending recall rules to regional MSPs considerably more difficult. In our view, one of the biggest questions about this Bill is how the core principles of parliamentary recall should be applied to these distinctive contours, recognising that

> Scotland's electoral regions are often very large, including urban, rural and island communities. Any recall process needs to reflect that complexity.

The submission from Dr Tickell et Al continued:

> We are not persuaded the current Bill proposes the best approach, in terms of parity of esteem, the financial and political costs of applying a new recall process to regional MSPs, or in terms of promoting basic democratic values and maximising the scope for the electorate to choose the representative best aligning with their perceptions of their political wants and needs.

Professor Alistair Clark felt that "The idea of a ballot on whether to retain the transgressing regional list member is an elegant solution" but still noted concerns with the regional process and put forward an alternative:

> If an offending MSP is recalled and then not reinstated, according to the Bill, they are then replaced by the next candidate on the party's regional list. As a way of avoiding the various complications and costs…, an alternative option may be to skip both the recall petition and the reinstatement ballot stages and instead jump straight to replacement by the next party candidate on the regional list.
>
> This has the advantage that it is a well understood option, and is already used in the Scottish parliament for AMS lists where someone stands down. It would involve minimal additional costs and practical complications. It would be in line with international standards for replacing casual vacancies under proportional list systems.
>
> This would mean that recall petitions and by-elections became processes used solely against constituency MSPs elected by first past the post.

In their responses AEA, EMB, SAA and others commented in some detail on a number of operational or practical areas. These are set out below.

Petition register

In relation to the petition register AEA noted that there is "potential confusion if a local government by-election takes place within the same area or part of the same area" as a recall petition. This is because the electoral register could be updated with new voters for the local election, but not generally for the recall petition. The SAA submission also commented on the readiness of registers, stating:

> We note that the Petition Register to be used is the Electoral Register that is in force three working days before the beginning of the signing period and can be updated to correct clerical errors. The Electoral Register is generally updated on the 1st working Day of the month and more frequently during an Election period. Electors added to the Local Government Register during the petition period will require to be informed that this new registration does not permit them to participate in the Recall petition, this may cause confusion if the recall petition coincides with a Local Government by-election in part of the recall petition area taking place during the same period. In addition, Electoral

> Management Systems may need to be upgraded to allow this to be administered effectively and efficiently.

The AEA noted in its submission that "Electoral Management Systems (EMSs) must be able to cope with this." The EMB made similar comments in its submission, adding that "the experience of UK petitions has been that the EMS's are yet to be designed to cope well with recall petitions."

The SAA echoed these comments, stating:

> Electoral Registration relies upon Electoral Management Systems that are fit for purpose and "election ready". Suppliers will need adequate time to update their systems ahead of any petition under this legislation.

SAA also noted that:

> The Regional areas for the Scottish Parliament are typically covered for Electoral Registration by several Electoral Registration Officers, many of whom may not have a current working relationship with the Petition Officer. Processes and procedures will need to be developed and agreed quickly to allow the Petition Officer to receive elector data to allow them to issue notices of petition to persons that are entitled to sign and also to update the petitions register for clerical errors.

Signing places, signing period and signing times

In its submission the Electoral Commission noted that previous reports[5] it has produced on recall at the UK Parliament have made a number of suggestions to improve the process. One of these is "Identify the appropriate length for a reduced petition period of less than six weeks" (the signing period in the Bill is set at four weeks).

The Electoral Commission submission also highlighted the difficulties Petition Officers at UK Parliament recalls had faced in securing signing locations. The submission notes that this is likely to be more difficult across larger geographical areas.

The Electoral Commission also suggested that there should be fewer maximum signing places, stating:

> Given the option of absent signing, consideration should be given to a lower maximum number of signing places or a definite number of signing places. We think this would be more proportionate and transparent, reducing the risk for challenge to Petition Officers whilst ensuring access for voters.
>
> The Commission's guidance will set out the accessibility considerations that Petition Officers should consider when choosing venues to designate as a signing place.

[5] 2018 report; 2019 report; 2023 report

The EMB welcomed the four week signing period provided for in the Bill, but noted that:

> Petition Officers may still face practical challenges in identifying and staffing appropriate signing places for this period. The EMB would encourage ROs to identify potential signing places across their constituencies that could be booked for an extended period as part of their general contingency planning.

Professor Clark raised similar practical issues, and noted the difficulties local authorities already face in securing polling staff for one day electoral events.

The AEA also noted that "at UK Parliamentary recall petitions, it has been difficult to secure up to 10 venues as signing places for the six-week period". It seemed to support the four week signing period proposed in the Bill, whilst highlighting that this was "another area of divergence" in electoral practice across the UK.

Dr Tickell et Al highlighted Scotland's geographical diversity in their response, and were of the view that "The rationale for limiting the number of signing places to ten per constituency during the recall petition process is unclear". The submission continued:

> The varying number of signing places has been a controversial aspect of such petitions at the British Parliament. For example, the successful recall of Fiona Onosanya involved the full ten signing places in her constituency of Peterborough, but the unsuccessful recall of Ian Paisley MP only offered constituents in Antrim North three signing places.
>
> In addition to this, Scotland's rurality adds another challenge, and the ten-place limit may mean that constituents in geographically large constituencies do not have the same opportunity to sign petitions compared to those in more urban constituencies. In the Orkney constituency, for example, there are twenty permanently inhabited islands, making the ten place-limit provided for in the Bill restrictive. It also creates implications for accessibility, although this could be mitigated to some extent by the provision for signature via letter or by proxy.

The response from AEA welcomed the "additional flexibility of opening the petition within 10 days of receipt of the notice, or as soon as practicable after that." AEA noted that "This allows a Petition Officer to open the petition up to three weeks after receipt of the notice, allowing more time to plan and secure venues and resources."

The Electoral Commission submission noted its recommendation made in relation to recall at the UK Parliament that the legislation (Recall of MPs Act 2015) should "set out more clearly what time signing places should close on the final day of the petition period, the deadline for receipt of postal signing papers, and when and how the Speaker should be notified of the petition result." Its submission also suggested that one of the definitions in section 24(1) of the Bill should be clarified:

> The Bill should set out what constitutes the 'end of day' (see "signing period"). For example, is it the close of the time for signing places and signing period that the Petitions Officer has set for that day e.g. 5pm or is it the 'end of day' as in midnight, when postal signing sheets may be handed in.

In its response the EMB noted that although a signing period was provided for in the Bill, times that a petition should be available to sign are not provided:

> There are no specifics given in the Bill with respect to the times that signing places should be open during the signing period. There needs to be clear rules on this to ensure consistency of practice across Scotland. The EMB could suggest appropriate times, which might include limited evening and weekend sessions to support participation. A similar issue with the UK legislation has been highlighted as an issue by the Electoral Commission in that there needs to be clarity with respect to the time that signing places should close on the final day of the petition period and the deadline for receipt of postal signing papers. This is also an omission for this Scottish Bill.

The Electoral Commission submission also highlighted an issue in relation to what constitutes a signature for a recall petition (which the Bill does not provide for but which it is expected would be set out in secondary legislation). The submission states:

> Given the potential length of the regional recall process, we suggest that consideration should be given to how best to prevent someone's postal vote from expiring during the regional recall process, if there is move to a three-year renewal cycle for postal votes to enable online absent voting applications (reflecting the changes introduced in the Elections Act 2022). Following the example of reg 50(5) of the Recall of MPs Act 2015 Regulations 2016 would provide a mechanism to avoid this issue.

The Electoral Commission also noted that:

> Consideration should also be given to whether everyone eligible to sign should be offered the opportunity to complete an equivalent to the signing sheet to indicate that they oppose the petition. This would enhance the secrecy provisions given that it would not be evident to any observer whether an individual was supporting or opposing the petition.

The Electoral Commission submission recommended that the legislation:

> […] set out clearly the process that the Petition Officer needs to follow for closing recall petitions and announcing the results, in particular:
> • The time of close of poll
> • The cut-off point for receipt of postal signing sheets
> • The time signing places should close on the last day
> • Timings for the count
> • How notification of the result should be given to Parliament made

Early ending a recall petition

In relation to the ending of a recall petition once a threshold is met, AEA stated that:

> While four-weeks is beneficial, we believe petitions should end as soon as the signature threshold is reached. Evidence shows most electors tend to sign early in the process. For example at the Peterborough, Rutherglen and Hamilton West, and Brecon and Radnorshire recall petitions, the threshold

> was met within a fortnight. Once a petition has the required number of signatures, we do not see the point in continuing at significant financial and administrative burden.

The EMB made a similar point on petitions closing once a threshold is reached:

> There is an argument that the petition could be closed as soon as the signature threshold is achieved and we would recommend that the Committee consider the benefits of such a change.

The submission from the Electoral Commission noted that there needs to be clarity about what should happen in the event that a recall petition is terminated early:

> The legislation should ensure there is clarity about what is required of Petition Officers in the event of early termination of a recall petition, in relation to any statutory processes or information that must be provided to the Electoral Commission. For example, in the 2024 recall petition in Blackpool South which was terminated early following the resignation of the MP, it was unclear from the legislation what the Presiding Petition Officer was legally able or required to do with the data they had collected on the petition and voter ID.

Regional polls

The AEA's response noted concerns with the recall process proposed for regional members. It stated:

> It would be resource intensive, costly, and require sustained co-ordination across several authorities.
>
> For example, up to 10 signing places would be needed in each constituency within the region. Each region has between 8 and 10 constituencies so could potentially see 100 signing places. Each would need to be staffed and supplied with equipment. Costs would be substantially higher than at recall petitions for UK MPs which have been referenced above.
>
> Thought should be given around how to ensure integrity is not compromised. At a constituency level, Petition Officers can use the prescribed questions and tendered signing sheet process, where the electoral register is marked to show an elector has already signed the petition. However, it is unclear how double-signing could be prevented across a regional petition.

In its response AEA suggested that alternatives to recall could be considered and offered the example of "amending the disqualifications for holding office to include where a member is excluded from Parliament for a period of 10 sitting days (or 14 days), or convicted of an offence anywhere in the UK, and receive a prison sentence of less than 6 months. This would mean a member automatically losing their seat avoiding the need for a recall process."

AEA noted that "Every recall petition held in Great Britain has resulted in the sitting MP losing their seat. Automatic disqualification removes the chance of the Member remaining elected, but removes the administrative burden for Petition Officers and the cost to the public purse."

The response from AEA also highlighted its concerns with the administration of regional polls, stating:

> We have concerns about the administrative burden of conducting a regional poll. We also would highlight the further cost, in addition to the already substantial costs of a regional recall petition.
>
> If a recall process is introduced, we would urge Scottish Government to avoid the burden placed on electoral administrators by requiring secondary regional polls. The Welsh Standards of Conduct Committee has recently recommended for a single stage process for recall – a remove and replace ballot.

The EMB response highlighted similar concerns about regional polls which it described as "both practical and in terms of principle."

> Practically, a recall petition across a Region would be demanding in terms of staff and administrative resource, costly and require complex co-ordination across several authorities. Multiple signing places would be required in each constituency, each of which would need to be staffed and equipped throughout the signing period. There would be requirement to issue the equivalent of Poll cards which on a regional basis would mean the ERO interacting with a regional Petition Officer where there may not be established relationships.

The EMB suggested that:

> There would be a challenge in communicating to voters to explain the nature of the poll that was to be delivered…Promoting participation in such an event would be a challenge and there would be a risk of severe public criticism at the costs, complexity and justification for such an exercise. Potentially public confidence in and support of the electoral process could be undermined…
>
> The issue ultimately relates to the electoral system which makes a by-election for a region inappropriate. The regional MSPs are elected to reflect proportionality at the original polling day, with regional votes weighted by constituency seats. They are a snapshot of votes at a particular time which endures for the whole parliament. The Bill correctly recognises that by-elections at a regional level are not consistent with the electoral system. However the proposed solution creates a costly and complex poll which would be difficult to operate and may be confusing for electors.

The EMB indicated, akin to AEA, that if recall is to be introduced "the Committee consider ways of avoiding costly secondary regional polls which may confuse electors and place a burden on EROs, Petition Officers and electoral administrators." EMB suggested that:

> An alternative might be a single stage process whereby a regional MSP who is recalled would not have the opportunity to be reinstated to the post but simply be replaced by the next on the party's list. This preserves the proportionality of

> the electoral system but does mean that regional and constituency MSPs are treated differently, although as noted they are already elected by a different process and vacancies are filled by a different process.

The responses from AEA, Professor Clark and the EMB also raised the possibility of voter confusion and both suggested that the question put to electors at a regional poll would need consideration, including input from the Electoral Commission. The AEA submission explained:

> Confusion could be caused where petitioners are signing to remove an MSP (that is, they are indicating yes, they want to remove their MSP), and then voting to remove their MSP (they would then vote no, they don't want to keep their MSP). Some electors may not vote in the poll if they believe the signing of the petition has already signalled their view, or could be confused or frustrated for needing to do so.

The Electoral Commission also noted its concerns about regional polls in its submission, stating:

> There is an inconsistency in how constituency and regional MSPs are treated in the legislation. The 50% threshold reflects neither the provisions for constituency MSPs nor the original voting method. It would be helpful to understand the evidence base and rationale for this decision.
>
> We note that the full process of initiating and administering a petition, followed by a poll to determine if the recalled member should fill the vacant seat, could be lengthy, complex and difficult for voters to understand. We would work with the petition officer and other relevant electoral stakeholders to provide information to help raise awareness, but it may be more challenging to sustain engagement and awareness over a longer period.
>
> The legislation is unclear about whether the recalled MSP needs 50% of all registered voters to fill the vacancy or only 50% of turnout and this would benefit from clarification.

Dr Tickell et Al were not persuaded of regional polls as provided for in the Bill, writing:

> In our view, this proposal represents the worst of all worlds, involving the public purse meeting the cost of a significant democratic event – in most regions, 700,000 people would be sent ballot papers – but instead of using this democratic event to allow the people of the region to choose their preferred representative as of new, the democratic participation will be limited to determining whether the impugned incumbent is ousted.
>
> This anomaly could be removed by simply amending the Bill to provide that (a) like constituency members, regional MSPs subject to successful recall petitions signed by 10% of their constituents automatically lose their seats but (b) instead of a yes-or-no regional poll on whether or not to allow them to keep office, there should instead be a regional by-election open to new candidates and parties – including the recalled MSP, whether standing for their current

> party, another party, or as an independent in their own right. In our view, this approach comes much closer to the parity of esteem and relative consistency of approach the sponsor of this Bill aspires to.

Professor Clark also questioned whether the cost of recall was 'good value for public money':

> The cost of running a recall process for a regional list candidate would seem prohibitive. It involves two processes: the recall petition; and the reinstatement ballot. The cost of the former is currently estimated at between £1.1m-£1.38m, while the cost of the latter is estimated at £1.27m. The total current cost estimate of both these processes would be between £2.37m-£2.65m. For context, the total income of the Electoral Management Board Scotland for 2023/24 was only £250,000…The assumptions behind the estimates provided seem reasonable. The question however is whether this would represent good value for public money. These are likely to be relatively low turnout processes.

Observers

The Electoral Commission noted in its response a recommendation made in relation to UK Parliament recall that there should be a review of "the scope of who can observe the process in signing places to extend transparency and scrutiny, while ensuring that secrecy is maintained for people signing the petition." The Commission also recommended "that Scottish Parliament consider extending the Scottish Parliament Observers scheme to cover Recall events".

In its submission the EMB noted that the Bill:

> has no detail with respect to who may observe the signing process. The Petition Officer would need to maintain the secrecy of the signing process but by its nature this is difficult. The fact that someone is attending the signing place indicates the action they are taking, so secrecy is hard to promote for recall petitions signed in person, but without observation / scrutiny there is a potential integrity gap.

Guidance

The EMB also highlighted that rules around the counting of signatures etc. would need to be provided in the Bill, as would guidance for electoral administrators from the Electoral Commission:

> Petition Officers and EROs would need detailed guidance from the Electoral Commission to support the delivery of any petition. The Commission will need adequate time to create such guidance ahead of any petition under this legislation.

Other areas

The Electoral Commission noted three further recommendations it has made in relation to recall at the UK Parliament in its submission, and on which the Bill is silent. These are:

- Keep the rules for donations and spending by campaigners under review as more experience is gained at future recall petitions, to ensure there is appropriate oversight and regulation of campaigner spending.
- Consider how electors can get information about the recall petition and how they can take part in it if they so wish.

In addition, the Commission was of the view that the Bill "should require the Court to specify the appeal deadline so that the Presiding Officer can be confident of when the appeal period expires (triggering the criminal offence ground to apply under cl 3(1))."

The Bill proposes giving Scottish Ministers a power to make secondary legislation for processes and so on linked to the provisions of the Bill. The Electoral Commission's submission called for "further details on the content of secondary legislation", stating:

> In particular, we are keen to understand the proposed expenditure controls and who would be responsible for receipt of the returns and checking compliance during the petition process: would this be the responsibility of Petition Officers or the Electoral Commission? The Commission will undertake the tasks assigned to us to design and user test the signing sheet. However, this process takes time and the Scottish Parliament will be aware that the relevant legislation, primary and secondary, must be clear at least six months before electoral administrators are required to implement it or campaigners are required to comply with it. We therefore look forward to receiving confirmation as to the timetable for both primary and secondary legislation.

Criteria for removal of an MSP

Part 2 of the Bill changes the grounds on which an MSP is disqualified from holding office. It does this by creating two additional instances in which an MSP is disqualified.

- Automatic disqualification where an MSP receives a prison sentence of six months to a year.

- Disqualification if a member fails to physically attend proceedings of the Parliament for 180 days without a valid reason and the Parliament agrees to disqualify the Member.

Question five sought views on whether or not respondents supported the criteria for removal for office provided for in the Bill. 16 of the 29 respondents answered 'Yes' to this question; 4 respondents answered 'No'; 6 responded 'Don't know' and 3 did not answer.

Peter Read was one of the individuals who supported the criteria for removal from office as provided for in the Bill, stating that MSPs should be removed for "Failure to perform the function they are being paid to do." Mrs A Maxwell also supported the criteria proposed in the Bill, noting that:

> Whilst important to remember that MSPs are human beings, it is entirely reasonable they should be held to higher standards when representing

> ordinary members of the public. All voting members of the public deserve the right to be served by an MSP who has not met the criteria for removal.

The Law Society of Scotland also supported the criteria for removal from office.

Some respondents felt that the criteria were not robust enough and did not, therefore, support them. For example, J E Moylan was of the view that "any wrong doing should mean loss of the job". Caroline MacFarlane also disagreed with the criteria as provided for in the Bill, writing that:

> I think these should be more robust. An airline pilot can't quote mitigating circumstances for banging an airplane. A train driver is tested for alcohol randomly and in the event of ANY incident, and will be terminated on failure., losing pensions and every benefit! MSP's are supposed to be running our country- they should be setting exemplary standards for constituents to follow and live up to.

Transparency International stated in its submission that:

> […] we think an important aspect of criteria for removal is that the sanctions are clear in advance so that Members are cognisant of the implications of transgressions.
>
> We would recommend producing 'sanctions guidelines' providing for improved transparency and consistency around what action might result if MSPs are found to have transgressed from the code of conduct or any other proscribed activity.

In their submissions AEA, EMB and SAA did not take a position on whether or not they supported the criteria stating that this was a policy question.

AEA's submission did, however, state that:

> […] there would be differences in the length of sentences triggering automatic removal. The length of sentence triggering disqualification for UK Parliament is more than 12 months. For Scottish local government, the trigger is 3 months or more.
>
> The disqualification for not attending meetings is like existing local government provisions. An individual who fails to attend meetings for a period of six months without prior approval ceases to be a member.
>
> The additional disqualifications could result in more constituency by-elections, which would be an administrative burden on Returning Officers and Electoral Registration Officers, as well as public money.

Professor Alistair Clark noted that the criteria for non-attendance "seems like a low bar for an MSP to meet." Concluding that "It is therefore difficult to see how the current definition resolves a non-attendance problem convincingly." It was also suggested by Professor Clark that legislating for physical non attendance could create precedent to manage standards by way of primary legislation:

> If it were approved, the part of the Bill on removal for failing to physically attend would have a profound impact. It would lead to one aspect of an MSP's role being codified in primary legislation. This could, presumably, provide precedent for it to be argued that other aspects of MSPs' roles should be so-codified in the aftermath of any other issues about MSP conduct and performance being raised.

Requirement for physical attendance

The Bill requires MSPs to physically attend proceedings of the Parliament at least once in every 180 day period. Proceedings of the Parliament are meetings of committees (in private or public session) and plenary sessions. In order to fulfil the attendance requirement an MSP is not required to speak or vote but must be physically present. The Bill does not allow virtual (i.e. online) attendance as sufficient.

Question six sought respondents' views on the requirements for physical attendance, asking 'Do you agree with the requirement to physically attend or should participation in proceedings by video conference be considered as attendance for the purposes of the Bill?'. Of the 29 respondents, 14 responded 'Yes'; 5 responded 'No'; 5 indicated Don't know' and 5 did not answer.

Mrs A Maxwell was one individual who supported the requirement, stating:

> Whilst hybrid proceedings meet the demands of a modern functioning Parliament it is also important to attend the workplace in person. Often it is only when physically in attendance that fluid conversations are held and matters concerning constituents can be dealt with faster face-to-face without the need for scheduling endless online meetings.

Kevin McIntyre was of the view that "Attendance in person should be mandatory"; Peter Read thought that a "Member should be considered to be attending by Video only if there is no other option and provided that they have attended in person previously", and Jordan Carswell stated that:

> […] many members of the public have no choice but to attend their place of work 5 days a week so I do not see why MSP's would be exempt from attending their place of work - The Scottish Parliament. If an MSP wanted a job that could work from home all the time then they should be in another profession and not in the privileged position of being an MSP.

Some individuals answered 'No' to this question, but the free text provided indicated that they were of the view that MSPs should attend the Parliament physically. For example, David Smith's view was that the requirement to physically attend at least one day in each 180 day period:

> […] can only be described as a "joke." Unless MSPs are medically unfit, providing a doctors sickness note as confirmation or live more than 120 miles from parliament, I consider they should be attending parliament at least two days a week.

Archie Scott was of a similar view that in person attendance was preferential indicating that physical attendance was preferable unless there

> […] are genuinely strong overriding reasons for non-attendance e.g. valid health reasons

Caroline MacFarlane answered 'No' to question six, but added that "seeing parliament half empty" does not instil "a feeling of value for a lot of money", but added that "there are always going to be some valid exceptions".

The EMB, AEA and SAA were all of the view that this was a policy question which fell outside their remits.

Transparency International did not take a position on this question but highlighted its position on second jobs, and the potential for this to take MSPs away from their core function. Its response stated:

> We do not consider non-attendance in and of itself to present a corruption risk or a failure of integrity. However, the committee may wish to examine the process in the House of Lords which expels members for non-attendance.
>
> We do think it is reasonable to expect that a Member's duties to the Scottish Parliament and constituency are their main priority. When elected officials spend a substantial amount of time on an outside interest, this does not give the impression that their first priority is their public duty. Some responses to the criticisms of second jobs is that citizens can vote them out at the next election. Elections only happen every four to five years, however, and it is unlikely that MSPs will explicitly campaign for a mandate to hold these interests during election time. Similarly, this does not address situations where outside employment is gained shortly after an MSP is elected.
>
> We support a rebuttable presumption based on a time limit to provide clarity and reassure the public that their elected representatives primarily work for them. This time limit could be between 5-10 hours a week, across all roles, and could be subject to strict exemptions. Exemptions for exceeding this time limit should only be for:
>
> 1) maintaining a professional registration, or
> 2) political activity or providing an essential public service.
>
> The former would include medical qualifications and the latter would include army reservist duties, jury service or lifeboat duties.

The Law Society of Scotland did not answer the closed question, but indicated its view that:

> Personal attendance and participation by video should be equally valid means of attendance.

Professor Clark noted that:

> The Bill's current approach privileges one form of participation – in-person attendance – over others, such as remote contributions. Post-pandemic, and however desirable in-person attendance may be, this seems an outdated interpretation of potential work practices. It is notable that some councils allow remote contributions from councillors when judging their attendance. This allows for flexibility where some people may otherwise be prevented, by some reason, from attending their employer's place of business.

Privacy

The call for views (question 7) asked respondents whether "there anything the Committee should consider about privacy concerns if MSPs are required to disclose potentially sensitive personal information about themselves or others (such as a spouse or partner, child or other close relative)?". Of the 29 respondents; 11 answered 'Yes'; 6 responded 'No'; 9 answered 'Don't know' and 3 did not answer.

One of the individuals who thought that privacy should be considered by the Committee was Archie Scott who stated if there:

> […] are genuine reasons for privacy the Committee can decide whether these should be kept private. Currently privacy is being abused all too often simply to set up a smokescreen / provide a lack of transparency and accountability.

Mrs A Maxwell was of a similar view, writing:

> When dealing with private matters I would be happy with disclosure being made to the Chair of the committee only. The chair could then give a broader outline of the reasons to the committee without betraying any personal confidences of family members who are not part of Parliament etc.

Sean Fraser felt that public disclosure was not required, but that disclosure to key individuals was. Mr Fraser was of the view that reason for non-attendance do not

> […] need to be public knowledge, as long as it is properly recorded and a decision is made on a demonstrably fair basis. The reasons must be disclosed though. Access to those reasons may be restricted to key post-holder positions.

J E Moylan answered 'No' to this question, but indicated that the families of MSPs should enjoy some privacy:

> It's the MSP not the family who have failed so some protection is required for them but not the MSP.

Transparency International made no comment on this question. The EMB stated "This is a matter of policy for the Scottish Parliament to determine"; AEA made a similar observation that this was out if its remit and SAA and the Electoral Commission viewed this as a policy matter for the Parliament.

The Law Society of Scotland felt that privacy was an important consideration, stating that:

> […] it is important that the personal information of the MSP, the MSP's spouse or partner, child or other close relative are protected by statute.

Although Professor Clark did not answer the closed question, the submission did touch on this matter, stating:

> Consideration has clearly been given to the issue of confidential information in support of any MSP's case to justify non-attendance. There are remaining issues however. In the Policy Memorandum, paragraph 38 indicates that it is the intention that an MSP's reasons for non-attendance might be dealt with in a confidential manner, but this is not provided for in the Bill. Stating that this is merely an intention seems inadequate. An employee would, rightly, expect that matters regarding their conduct and performance be dealt with confidentially. This should be routine for any standards- related matter more generally. Such a possibility for any affected MSP should be provided for in the Bill.
>
> There seems a key point with regard to confidentiality between the point at which the SPPA Committee decides to put a motion to the Chamber and the Chamber deciding. If this happened, the MSP would have no choice but to make public their reasons, meaning that whatever confidential information they sought to keep out of the public domain would, by procedural necessity, end up being discussed in the Chamber and likely more widely.

Committee involvement in assessing reason for an MSP's physical absence

Section 27 of the Bill provides for the Standing Orders to provide a process by which an MSP may be disqualified for failing to physically attend the Parliament. The Bill does not provide for the process but specifies that any process is to have particular features. One of the requirements is that:

> a committee of the Parliament which, in accordance with a requirement in standing orders, considers whether a member has failed to meet the minimum level of physical attendance expected, must report its conclusion to the Parliament.

As such, it would be for the SPPA Committee to consider whether an MSP absent for 180 days has a valid reason for non-attendance. The Committee would be required to report to the Parliament which would then vote on whether the MSP should be disqualified.

Question 8 of the call for views asked "Do you agree that a parliamentary committee should have responsibility for considering and reporting to the Parliament on whether an MSP's absence is for justifiable grounds?". Of the 29 respondents, 16 responded 'Yes' to this question; 2 responded 'No'; 6 respondents indicated that they 'didn't know' and 5 did not answer.

One of the respondents who answered yes to this question was Mrs A Maxwell, who felt that a "properly functioning committee should be fully representative of all members of Parliament" and "should be able and trusted" with the responsibility.

Allan Connelly responded 'Don't know' to the question but felt that "Certainly those deciding should be independent or non bias. Not the MSPs own party."

The respondent J E Moylan indicated 'No' to this question and was of the view that the "ombudsman should do that".

David Smith was someone who responded 'Yes' to the closed question, but appeared to disagree with a parliamentary committee being responsible for this, stating:

> Yes, a committee, excluding MSPs, Government Ministers or Civil Servants should have responsibility for monitoring a MSPs attendance at Parliament.

The Law Society of Scotland agreed that a Committee of the Parliament should be involved in the process. Its submission noted:

> […] it is important that there is democratic input in the consideration and reporting to Parliament on whether an MSP's absence is justifiable – subject to ensuring that personal information is not disclosed.

Transparency International highlighted in its response to the question its call for lay members of standards committees, stating in its submission that:

> We stand by the principle that once a transgression has been found to have occurred, a parliamentary standards committee should determine and recommend sanctions against elected members for referral to the whole parliament. As stated above, we would recommend the inclusion of lay members on parliamentary standards committees to improve the perception of trust in the independence of the process. This would apply to any consideration of whether a transgression was a sanctionable offence or not.

Organisations involved with electoral administration did not respond to this question seeing it as a matter of policy for the Parliament to decide.

Protected characteristics

The final question in the call for views sought responses to the question 'Is there anything the Committee should consider about the potential impacts of the proposed Bill on MSPs who have protected characteristics under equalities legislation or personal responsibilities, such as being a carer?' Of the 29 respondents, 7 answered 'Yes' to this question; 10 responded 'No'; 7 answered 'Don't know' and 5 did not respond to the question.

Caroline MacFarlane answered 'Yes' to this question, stating that:

> These should be respected, and accommodation made as far as practical, however, it should be remembered that the parliament has operational responsibilities and accommodation should be made in line with other industries which have operational restraints.

Others were less favourable and felt that MSPs should step aside. For example, David Smith wrote that if:

> due to reasons under the equalities legislation or personal responsibilities an MSP is unable to attend Parliament and represent his/her constituents he should stand aside and be replaced by someone who can. It is not fair on constituents and the taxpayer to have "part time" MSPs.

The Law Society of Scotland stated that:

> The Committee should ensure that the bill complies with the Equality Act 2010. Special care should be taken when considering the personal responsibilities of the MSP such as being a carer.

The submission from Transparency International highlighted how the Bill could potentially have a negative effect on the diversity of elected representatives, stating:

> […] it is worth considering that democracy is strengthened by a diverse range of people participating in it. The Committee may wish to consider the potential negative impact on the willingness of people to stand for elected office of the risks highlighted in this question.

Sarah McKay, SPICe Research

29 April 2025

Annexe 1: Questions from the call for views

1. Do you support the principle that voters should be able to recall one of their Members of the Scottish Parliament?

2. Do you support the criteria that the Bill sets out for triggering a recall petition?

3. Do you support the thresholds for a recall petition being successful as set out in section 14 of the Bill?

4. Do you have any comments on the practical operation of the recall process proposed in the Bill including, the recall petition, constituency by-elections or the regional poll?

5. Do you support the criteria that the Bill sets out for the removal of MSPs?

6. Do you agree with the requirement to physically attend or should participation in proceedings by video conference be considered as attendance for the purposes of the Bill?

7. Is there anything the Committee should consider about privacy concerns if MSPs are required to disclose potentially sensitive personal information about themselves or others (such as a spouse or partner, child or other close relative)?

8. Do you agree that a parliamentary committee should have responsibility for considering and reporting to the Parliament on whether an MSP's absence is for justifiable grounds?

9. Is there anything the Committee should consider about the potential impacts of the proposed Bill on MSPs who have protected characteristics under equalities legislation or personal responsibilities, such as being a carer?