AGENDA

Procedures Committee

14th Meeting, 2002

Tuesday, 12th November 2002

The Committee will meet at 9.30 am in Committee Room 2.

1. **Changes to Standing Orders concerning Written Parliamentary Questions and the Languages of Public Petitions - Procedures Committee 6th Report:** The Committee will consider a draft report.

2. **Period of time for answers to be lodged to parliamentary questions lodged in the last week of recess:** The Committee will consider an issues paper.

3. **Consultative Steering Group:** The Committee will consider an issues paper.

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Agenda item 1  
Changes to Standing Orders concerning Written Parliamentary Questions and the Languages of Public Petitions - Procedures Committee 6th Report.  
Annex A

Agenda item 2  
Period of time for answers to be lodged to parliamentary questions lodged in the last week of recess.

Agenda Item 3  
Consultative Steering Group.  
Annex A
FOR DECISION

14TH MEETING OF THE PROCEDURES COMMITTEE

"Changes to Standing Orders concerning Written Parliamentary Questions and the Languages of Public Petitions."

1. The Committee is asked to approve the attached draft, reflecting the standing order changes agreed at the 13th meeting on 29th October.

2. Members will wish to note that the report may require to be amended slightly subject to the Committee’s decision on the second agenda item.

Directorate of Clerking and Reporting
November 2002
Procedures Committee

XX Report, 2002

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Procedures Committee

Remit and membership

Remit:

To consider the practice and procedures of the Scottish Parliament in relation to its business.

(Standing Orders of the Scottish Parliament, Rule 6.4)

Membership:

Mr Murray Tosh (Convener)
Susan Deacon
Donald Gorrie
Fiona Hyslop
Mr Kenneth Macintosh (Deputy Convener)
Paul Martin
Mr Gil Paterson

Clerk to the Committee
Dr John Patterson

Assistant Clerk
Lewis McNaughton

Committee Assistant
Eileen Martin
Changes to Standing Orders concerning Written Parliamentary Questions and the Languages of Public Petitions

The Committee reports to the Parliament as follows—

INTRODUCTION

1. The Procedures Committee is pleased to recommend to the Scottish Parliament changes to the Parliament's standing orders concerning:

   • written parliamentary questions; and,
   
   • languages of public petitions

Summary of recommendations

2. At its 13th meeting 2002, the Committee agreed to recommend to the Parliament amendments to standing orders, to ensure that answers to written parliamentary questions are lodged within 10 'counting days' of the lodging of the question; to insert a definition of 'counting days'; to extend the 28 day deadline to cover questions lodged 2 weeks before recesses of more than 4 days; and to permit answers to written questions from junior Scottish Ministers.

3. The Committee also agreed to recommend that public petitions should be accepted by the Parliament in any language.

Written Parliamentary Questions

4. The Minister for Parliamentary Business gave evidence to us on 11 June 2002 and raised a number of points about the written parliamentary question process there, and in subsequent correspondence of 10 July 2002, which is discussed below.
Time for Executive answers

5. During periods where there is one or more public holidays the Executive has a reduced number of working days in which to prepare answers. In addition, answers cannot be lodged on days when the Office of the Clerk is closed. These factors result in occasionally severe difficulties for the Chamber Desk and the Executive on the next available day for answer when many more answers than normal are required to be lodged.\(^1\)

6. We are anxious to promote streamlining Parliamentary business. Any disadvantage to members, by lengthening the period for questions to be answered at normal times, needs to be avoided however.

7. We consider these objectives may be achieved by discounting public holidays and days which are unavailable for answers to be lodged, i.e. days on which the Office of the Clerk is closed, from the deadline for answers.

8. In ordinary English this might be expressed as permitting the Executive 10 'working days' in which to lodge the answer to a question normally, rather than 14 calendar days.\(^2\)

9. Regrettably, because the Office of the Clerk may be closed on days which are not public holidays, the term 'working days' is insufficiently precise for our purposes.

10. We were persuaded, therefore, that the least obscure way to express what we think is a desirable outcome was by reference to a new category of days, "counting days", defined as "days when the Office of the Clerk is open". We so recommend.

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\(^1\) As written questions lodged on 17 May, 20 May and 21 May could not have 31 May, 3 June and 4 June as the due dates for answer, the 5 June was so designated. This created logistical difficulties for the Chamber Desk of the Parliament and the Executive because of the number of answers to be processed on 5 June. Answers to questions lodged on 22 May were also required on the 5 June. Over 200 questions were processed. Procedures Committee paper, PR/02/13/4, Annex B, 13th Meeting, 29 October 2002. On average 50 to 60 written answers are processed each day. Source: Scottish Parliament Chamber Desk.

\(^2\) Standing Orders of the Scottish Parliament, Rule 13.5.2.
Recess arrangements

11. An extension to 28 days for Executive answers to written questions lodged in the summer recess was agreed previously by the Committee.³ The Executive suggested a further extension might be necessary.⁴ In July and August 1999, 783 written questions were lodged. Over the same period in 2002, 1515 were lodged.

12. The Scottish Executive has considered this matter further and has concluded that any extension from 28 days would create an even greater volume of written questions for answer during specific periods in September. This would subvert the effort to increase the number of questions being answered substantively within deadline. Consequently it has not sought to engage the Committee further on this point. The Committee makes no recommendation to vary the present arrangements.

13. The Scottish Executive also asked us to consider extending the lodging period which would attract the 28 day deadline from 1 to 2 weeks immediately before recesses of 4 or more days.

14. The deadline for written questions lodged in the second week prior to the summer recess falls in the first week of the Parliamentary recess, when many staff of the Executive are on leave. This results in many such written questions being provided with holding answers.

15. A change, on the lines suggested, would be likely to reduce the number of holding answers and increase substantive replies. This was consistent with our previous recommendation.⁵ We recommend that the present deadline is extended to written questions lodged in the second week before a recess of more than 4 days.

³ Procedures Committee, SPOR, Cols 638-640.
⁴ Procedures Committee, SPOR, Col 1613.
16. The Committee previously discussed, and rejected, an Executive request for a moratorium on written questions in recesses of more than 4 days.\textsuperscript{6} \textbf{We note here that the Executive are not now seeking any moratorium and make no recommendation.}\textsuperscript{7}

17. Finally, we considered whether junior Scottish Ministers should be able to answer written questions. By contrast with oral questions, which junior Scottish Ministers may answer (Rule 13.6.2), Rule 13.5.1 does not specify that they may answer written questions.

18. \textbf{The Committee could discern no reason for the present distinction which appears unduly restrictive and recommends that standing orders be amended to permit junior Scottish Ministers to answer written parliamentary questions.}

\textbf{Language of public petitions}

19. The Committee considered the Parliament’s language policy on 29 February and 20 June 2000.\textsuperscript{8} The Convener subsequently wrote to the Presiding Officer asking the Parliamentary Corporation to examine this matter.\textsuperscript{9}

20. In response, the SPCB set up a languages policy group, comprising officials, whose recommendations the SPCB endorsed and which provided us with reports on 23 April\textsuperscript{10} and 29 October 2002.\textsuperscript{11}

21. The present position is that all petitions are required to be submitted in English (Rule 15.4.3). A recommendation of the languages policy group was that public

\textsuperscript{6} Procedures Committee SPOR, Cols 778-780.
\textsuperscript{7} Procedures Committee, SPOR, Col 1605.
\textsuperscript{8} Procedures Committee, SPOR, Cols 417-419.
\textsuperscript{9} Letter (without attachment) of 13 July 2000, Murray Tosh MSP, Convener, Procedures Committee, to Sir David Steel MSP, Presiding Officer (\textit{Annex D}).
\textsuperscript{10} Procedures Committee, SPOR, Cols 1524-1538.
\textsuperscript{11} Procedures Committee, SPOR, Col 1711.
petitions should be in any language. The Presiding Officer,\textsuperscript{12} Parliamentary corporation and the Public Petitions Committee\textsuperscript{13} support this change.

22. The Parliament requires to be fully open to the cultures and languages of people in Scotland. \textbf{We are delighted to recommend a suitable change to the standing orders.}

\textsuperscript{12} Letter of 10 October 2002, Sir David Steel MSP, Presiding Officer to Murray Tosh, Convener, Procedures Committee (\textbf{Annex D}).

\textsuperscript{13} Letter of 9 October 2002, John McAllion, Convener, Public Petitions Committee, to Sir David Steel, Presiding Officer (\textbf{Annex D}).
ANNEX A

Proposed changes to standing orders

Written Parliamentary Questions

1. In Rule 13.5.1, after “Scottish Executive”, insert “or by a junior Scottish Minister”.

2. For Rule 13.5.2 there is substituted—

“The answer to a written question shall be lodged with the Clerk. An answer shall normally be lodged within 10 counting days of the day on which the question is lodged. In the case of a question lodged during the 14 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer shall normally be lodged within 20 counting days of the day on which the question is lodged.”

3. After Rule 13.5.2 there is inserted—

“2A. In Rule 13.5.2 “counting days” means days when the Office of the Clerk is open.”

Language of Public Petitions

1. In Rule 15.4 (bringing a petition) paragraph 3 is deleted.

2. In Rule 15.5 (admissibility of petitions), in sub-paragraph (a) of paragraph 2 for “Rule 15.4.2 or 3” there is substituted “Rule 15.4.2”.

3. In Rule 15.6 (action on a petition)-

(a) after paragraph 1 there is inserted-

“1A. If a petition is brought in a language other than English the Public Petitions Committee shall arrange for the Parliamentary corporation to secure the translation of that petition into English for consideration of the petition as translated.”

(b) at the end of paragraph 3 there is added “The notification may, at the discretion of the Committee, be given in the language of the petition or in English.”
PROCEDURES COMMITTEE

EXTRACT FROM MINUTES

8th Meeting, 2000 (Session 1)

Tuesday 20 June 2000

Present:

Murray Tosh (Convener)  Donald Gorrie
Janis Hughes (Deputy Convener)  Gordon Jackson
Mr Andy Kerr  Mr Gil Paterson
Michael Russell

6. **The Use of Non-English Languages for Parliamentary Business – Resource Implications:** The Committee agreed to raise the issue with the Scottish Parliamentary Corporate Body.
PROCEDURES COMMITTEE

EXTRACT FROM MINUTES

2nd Meeting, 2001 (Session 1)

Tuesday 6 March 2001

Present:
Murray Tosh (Convener)  Brian Adam
Donald Gorrie          Patricia Ferguson
Frank McAveety        Kenneth Macintosh (Deputy Convener)
Gil Paterson

4. **Enquiry into Parliamentary Questions:** The Committee agreed—

1. to note the successful implementation of monitoring arrangements for Parliamentary Questions
2. that such monitoring should continue and the outcomes should be used to inform further consideration
3. to note the various sources of information which were available to MSPs
4. to note the outcomes of the seminars which had been held, and the intention to run these again when required
5. to recommend that the time period for answering questions during recess periods of four or more days should be extended to 28 days, and that this extended time period should also apply during the week before any such recess period
6. that Parliamentary Questions are a reasonable method for the Executive to make policy announcements and to consider the matter further at the next meeting of the Committee
7. that the length of Question Time should be considered further at the next meeting of the Committee
8. that, as recommended, no further action should be taken on the issues identified in Annex E of the Procedures Committee’s 1st Report 2000 on Parliamentary Questions (SP 169)

Hugh Flinn, Chamber Desk Team Leader in the Parliament, Michael Lugton, Head of Constitution and Parliamentary Secretariat at the Scottish Executive, and Andrew McNaughton, Head of Parliamentary Liaison Unit at the Scottish Executive, attended for this item.
PROCEDURES COMMITTEE

EXTRACT FROM MINUTES

5th Meeting, 2001 (Session 1)

Tuesday 29 May 2001

Present:

Murray Tosh (Convener)       Brian Adam
Patricia Ferguson             Donald Gorrie
Frank McAveety               Kenneth Macintosh (Deputy Convener)
Gil Paterson

Also present: Alex Johnstone (Item 1), Margaret Smith (Item 1), Mike Watson (Item 1), Lloyd Quinan (Item 2), Alex Neil (Item 3) and Hugh Henry (Item 10).

6. Parliamentary Questions in the recess: transparency of Executive answers to parliamentary questions and Draft Report (2nd 2001) on Parliamentary Questions: The Committee considered a paper on the volume of parliamentary questions in the recess and decided to make no change to its previous decision (Minutes, 2nd Meeting 2001). The Committee then considered a paper on the transparency of Executive answers to parliamentary questions and agreed to commission further work. Finally, the Committee agreed the content of the draft report on parliamentary questions, including the change proposed to standing orders.
PROCEDURES COMMITTEE

EXTRACT FROM MINUTES

7th Meeting, 2002 (Session 1)

Tuesday 23 April 2002

Present:

Murray Tosh (Convener)  Susan Deacon
Donald Gorrie  Fiona Hyslop
Kenneth Macintosh (Deputy Convener)  Frank McAveety
Gil Paterson

Also present was Professor David McCrone, Committee Adviser, CSG Inquiry.

2. **The use in the Scottish Parliament of languages other than English**: The Committee considered paper PR/02/7/2 and expressed the hope that its comments on the record would assist further work on the development of a languages policy for the Parliament.
PROCEDURES COMMITTEE

EXTRACT FROM MINUTES

13th Meeting, 2002 (Session 1)

Tuesday 29 October 2002

Present:

Murray Tosh (Convener)                      Susan Deacon
Donald Gorrie                               Fiona Hyslop
Paul Martin                                 Gil Paterson

Also present: Annabel Goldie MSP (Item 1).

2. **Public Petitions in languages other than English:** The Committee agreed to recommend a change to standing orders to permit petitions to be submitted in any language and to include this change in a future report to the Parliament.

   Steve Farrell, Clerk to the Public Petitions Committee, Stephen Hutchinson, Official Report, and Mark Richards, Legal Directorate, attended.

4. **Written Parliamentary Questions:** The Committee considered Paper PR/02/13/4 and agreed to recommend changes to standing orders: to clarify the time periods within which written answers must be lodged; to extend the current 28 day deadline for written questions lodged in the week before recesses to include questions lodged in the second week before a recess; and to clarify that junior Scottish Ministers may answer written questions. The Committee further agreed that the 28-day deadline for recess questions should be retained and to consider further whether the time period should be amended for answers to questions lodged in the final week of recess.
OR:

Footnote 3 – OR cols 637 – 640
Footnote 4 - OR Col 1613
Footnote 6 – OR cols 778 – 780
Footnote 7 – OR col 1605
Footnote 8 – OR cols 417 – 419
Footnote 10 – OR cols 1524 – 1538
Footnote 11 – OR col 1711
Thank you for the opportunity to discuss the Procedures Committee's ongoing work on Parliamentary questions at the meeting on 11 June. I found the exchange particularly constructive. At the meeting, I gave a commitment to follow-up on some of the issues that arose during the course of our discussion.

First, I undertook to write to you setting out the background to the issue of PQs lodged immediately prior to, and during, periods of recess and the benefits of relaxing further, the timings for recess questions. This is an issue which was considered by the Committee in March and May last year. Although the proposal for the introduction of a 4-week moratorium during the summer months was not recommended by the Committee to the Parliament, it did recommend the extension to 28 days of the time allowed for the answering of PQs lodged 7 days prior to, and during, periods of recess in excess of 4 days. This was accepted by the Parliament and the Standing Orders were subsequently changed. However, the Committee did agree to reconsider the position on the basis of the experience of 3 summers.

In his letter of 26 June 2000 to the then Minister for Parliament, Mr Tom McCabe, the Presiding Officer indicated that the high number of questions lodged during the summer months of 1999, was not expected to be replicated in subsequent years. However, this has not been the case and, in both 2000 and 2001, the volume of written PQs lodged during July and August has been more than the previous year. In addition, there has been a general increase on last year's figures in the number of PQs lodged each month and we anticipate that this trend will continue through this summer.

The amendment of Rule 13.5.2 of the Standing Orders last year, to allow questions lodged during the 7 days before recess and during recess, to be answered within 28 days (extended from 21 days) has had a positive impact on the number of PQs answered on time. However, in the light of the anticipated volume of questions, a further extension would ease the burden on the Chamber Desk,
Ministers and officials at a time of year when many are on holiday and would increase the number of answers issued to members on time.

It would, therefore, be useful if the Committee would consider extending the 28-day deadline for replies to questions lodged to 2 weeks (currently 1 week) prior to a period of recess in excess of 4 days.

Another option we discussed at the meeting was the extension of the deadline for answering questions from 28 days to 35 days. However, we have considered this further and believe that the disadvantage of this option is that it would increase the burden on officials, Ministers, the Parliamentary Clerk’s Office and the Chamber Desk for a period of 3 weeks after Parliament’s return from recess i.e. 16, 23 and 30 September, and would therefore reduce the Executive’s ability to answer questions on time. For example, if PQs lodged during weeks commencing 12, 19 and 26 August were allowed 35 days for answer, the deadlines would be during weeks commencing 16, 23 and 30 September. However, PQs lodged following the recess would have a 14-day deadline. Therefore, PQs lodged during weeks commencing 2, 9 and 16 September would also be due for answer during 16, 23 and 30 September. The current 28-day deadline has a similar effect but limited to only 2 “doubled-up” weeks and this would be unaffected by the extension of the 28-day deadline to 2 weeks prior to recess.

During the Committee meeting, it was suggested by members that the current 28-day deadline may not be necessary in respect of PQs lodged during the last week of recess. Having reflected on this, I think it would be counter-productive. While most Ministers and officials may have returned from holiday, in many cases there will be a number of issues requiring attention as a matter of priority. However, the continuation of the 28-day deadline for PQs in the final week will ease the pressure on those who have only shortly returned from holiday and on those who do not return until the following weeks. This, in turn, should result in MSPs receiving more answers received on time.

You kindly undertook to produce a report on the options discussed. I would be grateful if the Committee could consider this issue as a matter of priority as it would be helpful if any subsequent changes to the Standing Orders could be made in time for the 2-week period of recess in October.

Turning to PQs and public holidays, I welcome the Committee’s agreement, in principle, to amending Rule 13.5.2 of the Standing Orders to refer to working days instead of calendar days. Again, I would welcome early action on this point.

In the course of our discussion, you asked about reasons for the monthly variation in performance. You quoted figures of 87% for March and 59.4% for April. However, when taking into account the recess questions answered, the figures are 90% and 74% respectively. The 74% figure is in line with our overall average for November 2001 to April 2002 which I quoted in my opening remarks. The variation overall is therefore not quite as stark as it may have appeared.

During the meeting, in response to a query from Kenneth Macintosh, I undertook to give the Committee statistical information in relation to the Executive’s performance in answering Ministerial correspondence. I provided statistical information for the quarter January to March 2002 on 4 July in response to Kenneth Macintosh’s question S1W-27333. I attach a copy for information.

Finally, at the meeting, I touched on the inadmissibility of questions and I undertook to provide the Committee with some examples of questions (see Annex) which we believe should not have been accepted in that they refer to reserved matters or to matters for which the Executive has no direct responsibility. As you know from our discussions, we in the Executive are constantly trying to improve our performance in relation to answering Parliamentary questions. Acceptance of what I believe are inappropriate questions places a considerable extra burden on Ministers and Executive...
staff. While I accept that the Committee may be limited in what it can do to address this situation, I would nevertheless welcome your views.
EXAMPLES OF INADMISSIBLE PARLIAMENTARY QUESTIONS

ANNEX

Representation questions where the matter is either reserved or not a general responsibility of the Executive:

21002: Colin Campbell lodged 12 December 2001: To ask the Scottish Executive what representations it has made to Her Majesty’s Government to achieve relaxation of the restrictions on freight train traffic imposed on the Channel Tunnel by SNCF on 7 November 2001.
Answered by Lewis Macdonald (26 December 2001): Both rail freight and European and international rail services are reserved matters. The Scottish Executive is in regular contact with the UK Government on a wide range of rail issues, including freight services.

21435: Kenny MacAskill lodged 27 December: To ask the Scottish Executive what representations it has made to Her Majesty’s Rail Inspectorate regarding the opening of Beauty Station and when any such representations were made.
Answered by Lewis Macdonald (26 February 2002): Railway safety is a reserved matter. The re-opening of Beauty Station is a matter for Railtrack and the Health and Safety Executive. The Scottish Executive has no direct locus or powers to intervene.

22378: Adam Ingram lodged 25 January: To ask the Scottish Executive whether it will make representations to the Driver and Vehicle Licensing Agency to review the process of driving licence withdrawal from a person with a deteriorating psychiatric condition.
Answered by Lewis Macdonald (13 February 2002): The Scottish Executive is in regular contact with the UK Government on a wide range of issues, including driver licensing.

23707: Kenny MacAskill lodged 4 March: To ask the Scottish Executive whether it (a) has made or (b) will make any representations to the Postal Services Commission as part of the current consultation on the Commission’s market opening proposals in respect of the impact of the proposals on (i) social inclusion, (ii) rural areas and (iii) urban deprived areas.
Answered by Allan Wilson (18 March 2002): Consignia, post offices and postal services are reserved matters. The Scottish Executive is in regular contact with the Postal Services Commission on a range of issues, including its most recent consultation.

23816: Fergus Ewing lodged 7 March: To ask the Scottish Executive whether it will make any representations to the Boundary Commission for Scotland that, if the boundaries of the constituency of Inverness East, Nairn and Lochaber are altered, the new constituency name should be “Inverness, Nairn, Badenoch and Strathspey” and not “Inverness and Badenoch.”
Answered by Mr Andy Kerr (3 April 2002): This is a reserved matter and as the Scottish Executive does not have a statutory role, it does not intend to make any representations.

24736: Jamie McGrigor lodged 4 April: To ask the Scottish Executive what assessment it has made of any drop in tourism numbers in areas where wind farms are prevalent, for example in Denmark and Wales.
Answered by Mike Watson (2 May 2002): None, but VisitScotland is to undertake research later this year into visitors’ perceptions of the effect of wind farms on tourism.
23260: Kenny MacAskill lodged 22 April: To ask the Scottish Executive whether it has made any representations to Superfast Ferries about recruiting locally-based labour for the on-board ferry crew.

Answered by Lewis Macdonald (7 May 2002): The recruitment of seagoing staff by Superfast Ferries for its new Royston to Zeebrugge service is a commercial matter for the company. I understand that the company recently advertised for seagoing staff in the Scottish press.

Questions relating to wholly reserved matters:

18268: Brian Fitzpatrick lodged 19 September 2001: To ask the Scottish Executive what discussions have been held with the Department of Trade and Industry on changes to Transfer of Undertakings Protection of Employment legislation as it affects the NHS in Scotland.

Answered by Susan Deacon (19 November 2001): Employment law is a reserved matter. However, the Department of Trade and Industry (DTI) is currently consulting widely on its proposals to change the Transfer of Undertakings Protection of Employment Regulations. Both the Scottish Executive and NHS Scotland employers have been given the opportunity to put their views to the DTI.

19432: Annabel Goldie lodged 26 October: To ask the Scottish Executive what steps it plans to take to protect rural economy against the effect of any small quarry companies closing as a result of the introduction of the Aggregates Tax.

Answered by Ross Finnie (9 November 2001): The Aggregates Tax is a reserved matter. The Scottish Executive has no plans to provide additional assistance related to the tax.

22971: Tommy Sheridan lodged 11 February: To ask the Scottish Executive what the minimum level of subsistence is for individuals aged (a) 16 to 17, (b) 18 to 25 and (c) over 25, with (i) no dependants, (ii) one dependant and (iii) two or more dependants.

Answered by Iain Gray (6 March 2002): Social security benefits and policy on minimum incomes are reserved to the UK Government. The Executive will, however, continue to work closely with UK ministers on these and other issues in the pursuit of our social justice agenda.

23135: David Mundell lodged 14 February: To ask the Scottish Executive what action is being taken in order to promote awareness of digital television.

Answered by Dr Elaine Murray (5 March 2002): Broadcasting is a reserved matter and this issue is therefore for UK ministers. The UK Government published the Digital Television Action Plan on 21 December 2001, setting out the action being taken to facilitate the take-up of digital television.

25519: Richard Lochhead lodged 1 May: To ask the Scottish Executive what discussions it has had with the oil and gas industry regarding the economic and other effects of the new 10% supplementary charge to the existing corporation tax on oil and gas company profits announced in the UK Budget 2002 and whether it will detail any follow up action it plans to take.

Holding reply by Lewis Macdonald (15 May 2002): I shall reply to the member as soon as possible.

Answered by Lewis Macdonald (21 May 2002): We are in regular contact with the oil and gas industry on a wide range of matters affecting the industry. The main avenue for this contact is through the PILOT, of which I am the Vice Chair.
Question SIW-27333: Ministerial Correspondence

Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive what its performance has been in the first quarter of 2002 in answering ministerial correspondence.

Patricia Ferguson: In the answer given to question SIW-24583, I undertook to continue to report quarterly on the numbers of letters received by ministers and our performance in answering them.

In the quarter January to March 2002, 4,511 letters were received for ministerial reply of which 72% received a reply within 17 working days, and 88% received a reply within 25 working days. This is an improved performance on the fourth quarter when 69% of letters received a reply within 17 working days and 86% received a reply within 25 working days. The performance should be viewed against a 27% increase in the volume of correspondence compared to the last quarter.
The Scottish Parliament
Procedures Committee

EDINBURGH
EH99 1SP

1 July 2000

The Rt Hon Sir David Steel KBE MSP
The Presiding Officer
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THE USE OF SCOTS AND GAEILIC FOR MOTIONS
THE USE OF NON-ENGLISH IN THE PARLIAMENT

The Committee received a request from Irene McGugan MSP (copy attached) that the standing orders be amended to allow the use of both Scots Gaelic and Scots as appropriate languages for motions to the Parliament. The Committee took this matter at its meeting on 29 February.

Scots Gaelic and Scots

The background was Irene McGugan's attempt to lodge a Motion with the Chamber Desk in Scots and English. Due to a confusion - which we hope our work will help clarify - this had not been admitted. In evidence to the Committee she pointed to what she considered the anomaly of arrangements being in place to speak in Scots in the Chamber, whereas none existed apparently for Members to lodge motions in Scots or Scots Gaelic. She pointed to the references made by the Report of the Consultative Steering Group on The Scottish Parliament to Scots and Scots Gaelic and to its view that the normal working language of the Parliament should be English. She argued that Scots and Scots Gaelic should be acknowledged. Finally, she re-affirmed her desire to exercise the option of being able to lodge motions in Scots or Scots Gaelic with an English translation.

The Committee had before it advice from the Parliamentary officials to the effect that the adoption of a procedure whereby a member lodges a motion in Scots or Scots Gaelic but provides an English version would be consistent with the current standing orders. (Indeed, that a member may lodge a motion in any language in addition to the English version.) In addition, advice was noted that

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Procedures Committee

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• there is no official language in the Scottish Parliament. The standing orders provide that the Parliament normally conducts its meetings in English, but specifically authorises the use of Scots Gaelic or any other language.
• the Business Bulletin would need to publish both versions where a motion was lodged in either Scots or Scots Gaelic, with an English translation.
• both versions would require to be recorded in the CR where a motion was moved in two languages.

In discussing amending motions the Committee noted that there was no requirement on the mover of the amendment to amend a non-English version of a Motion. This is a reasonable position. Not all Members speak Scots or Scots Gaelic. There is no reason therefore why such Members should be obliged to lodge amendments in languages of which they have no knowledge.

Other Languages

The Committee did not feel that this issue could be left at the stage where Scots and Scots Gaelic only had been considered. The Committee's consideration of these did highlight some of the potential difficulties of procedure and resource allocation which operating in more than one language brings for the Parliament where languages, other than Scots and Scots Gaelic, are considered. For example, Urdu, Hindi, Punjabi, Gujarati, Cantonese are the languages of considerable numbers of people in Scotland.

The Committee discussed this area of the issue at its meeting on the 20th June. I attach the paper from the clerks which we had before us, as offering a helpful summary of a fairly complex issue.

We are all aware that the Parliament is committed to a vigorous policy of equal opportunities and accountability and the Committee felt that it was important that its overall policy on languages reflected this.

Committee Paper Attached: Key Points

Was there a requirement now for the Chamber Desk to have access to translation facilities to check the text of motions in Scots Gaelic and Scots?

Was it appropriate for the rules on the use of Scots Gaelic and Scots as set out earlier in this letter and in the proposed Bulletin Announcement (attached) to be extended to Parliamentary Questions submitted in those languages also?

Moving away from Scots Gaelic and Scots specifically, the Committee thought for the longer term that it would be helpful for the Corporate Body to make a close examination of the Parliament's policy on linguistic usage taking full account of the resources required and to provide relevant guidelines if appropriate. The examination might usefully clarify the scope of languages which could be used in the
Parliament; and the limits on the use of individual languages. I would be grateful for your views on such action.

Finally, and arising from its earlier discussion in February, the Committee asked for an appropriate announcement in the Business Bulletin so that the present position on the use of Scots Gaelic and Scots for Motions is clarified for Members. I would be grateful if suitable arrangements for that could be made by the Clerk of the Parliament. A draft text is at the Appendix of the attached paper.

A copy of this goes to Irene McGugan MSP, members of this Committee, and the Clerk to the Parliament.

[Signature]

Murray Tosh MSP
Convener, Procedures Committee
THE USE OF LANGUAGES IN THE PARLIAMENT OTHER THAN ENGLISH

As you know, the Procedures Committee has considered the use of Scots and Gaelic for motions and the use of non-English languages in parliamentary proceedings. Following the Committee's deliberations, you wrote to me suggesting among other things that the SPCB might examine the Parliament's policy on linguistic usage, taking full account of resource implications.

The SPCB subsequently considered the matter and sought information on further possible usage of non-English languages and on the costs and practical implications. In taking this forward, a language policy group was set up at official level and I understand the group reported on its progress to the Procedures Committee in April of this year.

The SPCB has recently considered the proposals put to us by this Group and agreed subject to some modifications, to their recommendations. One of the recommendations made is in relation to public petitions.

As you know, Rule 15.4.3 of Standing Orders states that "All petitions shall be in English" although petitions accompanied by a Gaelic version have been accepted. Rule 15.4.3 states that "The Public Petitions Committee shall determine the proper form of petitions and shall publish its determinations in such manner as it considers appropriate."

Cont'd...
There is no public information in languages other than English and Gaelic on petitions. Having considered this matter the SPCB have agreed that public information on petitioning be made available in Arabic, Bengali, Cantonese, Punjabi and Urdu, as well as in English and Gaelic.

Following on from this, the SPCB is sympathetic to the proposal for the Parliament to continue to consider petitions in English only, but to accept petitions in any language and arrange the necessary translations (through the Parliament's contracts). This would mean an amendment to rule 15.4.3 of Standing Orders to enable petitions to be submitted in any language.

Given this would impact on the Public Petitions Committee I wrote recently to the Convener, John McAllion. He has since replied on behalf of the Committee supporting such a proposal and furthermore the committee considered such a move would make the petitions system more accessible to the people of Scotland.

To take this proposal forward will involve a change to our Standing Orders and as such would have a direct effect on your Committee. Therefore, I should be grateful if your committee could give its consideration to such a change. Officials will put forward to the Committee Clerk a suggested form of words to amend the Standing Orders in due course, which will assist the Committee with their deliberations.

I would of course be happy to discuss this in more detail if that would be helpful.

David Steel
THE USE OF LANGUAGES IN THE PARLIAMENT OTHER THAN ENGLISH

Thank you for your letter of 25 September requesting the views of the Public Petitions Committee on the SPCB’s proposal to amend rule 15.4.3 of Standing Orders to allow petitions to be submitted to the Parliament in any language.

I would inform you that the Committee discussed this matter at its meeting on 8 October and agreed to support the proposal, together with that to make petitions guidance material available in Arabic, Bengali, Cantonese, Punjabi and Urdu, as well as in English and Gaelic.

I would add that it is particularly encouraging that the SPCB is suggesting such action, which will make the petitions system – and through it the Parliament – more accessible to the people of Scotland.

Yours sincerely,

[Signature]

JOHN MCAUILLION MSP
Convener
FOR DECISION

14TH MEETING OF THE PROCEDURES COMMITTEE

PERIOD OF TIME FOR ANSWERS TO BE LODGED TO PARLIAMENTARY QUESTIONS LODGED IN THE LAST WEEK OF RECESS.

1. This issue was the subject of discussion by the Committee on 29 October (paragraphs 19 and 20 of Committee paper PR/02/13/4 refers). Copies of the Official Report Cols 1712 - 1720 and PR/02/13/4 are attached as Appendix A.

2. A further paper providing further consideration of the issue is at Appendix B. Hugh Flinn will attend.

3. The Committee is asked to consider whether the period of answers for written questions lodged in the last week of recesses should stay at 28 days (20 "counting days") or be reduced to 21 days (15 "counting days").

Directorate of Clerking and Reporting
November 2002
FOR CONSIDERATION

13TH MEETING OF THE PROCEDURES COMMITTEE
PARLIAMENTARY QUESTIONS

1. In her letter of 10 July (copy attached - Annex A) the Minister for Parliamentary Business asked the Committee to consider points about the period of time for answers to be lodged to Parliamentary Questions, and recess arrangements. In addition, the Executive and the clerks have raised a point about Rule 13.5.1 - who answers written questions.

2. A paper is attached (Annex B). Hugh Flinn from the Chamber Desk will attend.

Action

3. The Committee is invited to consider the standing order changes proposed.

Directorate of Clerking and Reporting
October 2002
Thank you for the opportunity to discuss the Procedures Committee’s ongoing work on Parliamentary questions at the meeting on 11 June. I found the exchange particularly constructive. At the meeting, I gave a commitment to follow-up on some of the issues that arose during the course of our discussion.

First, I undertook to write to you setting out the background to the issue of PQs lodged immediately prior to, and during, periods of recess and the benefits of relaxing further, the timings for recess questions. This is an issue which was considered by the Committee in March and May last year. Although the proposal for the introduction of a 4-week moratorium during the summer months was not recommended by the Committee to the Parliament, it did recommend the extension to 28 days of the time allowed for the answering of PQs lodged 7 days prior to, and during, periods of recess in excess of 4 days. This was accepted by the Parliament and the Standing Orders were subsequently changed. However, the Committee did agree to reconsider the position on the basis of the experience of 3 summers.

In his letter of 26 June 2000 to the then Minister for Parliament, Mr Tom McCabe, the Presiding Officer indicated that the high number of questions lodged during the summer months of 1999, was not expected to be replicated in subsequent years. However, this has not been the case and, in both 2000 and 2001, the volume of written PQs lodged during July and August has been more than the previous year. In addition, there has been a general increase on last year’s figures in the number of PQs lodged each month and we anticipate that this trend will continue through this summer.

The amendment of Rule 13.5.2 of the Standing Orders last year, to allow questions lodged during the 7 days before recess and during recess, to be answered within 28 days (extended from 21 days) has had a positive impact on the number of PQs answered on time. However, in the light of the anticipated volume of questions, a further extension would ease the burden on the Chamber Desk,
Ministers and officials are at a time of year when many are on holiday and would increase the number of answers issued to members on time.

It would, therefore, be useful if the Committee would consider extending the 28-day deadline for replies to questions lodged to 2 weeks (currently 1 week) prior to a period of recess in excess of 4 days.

Another option we discussed at the meeting was the extension of the deadline for answering questions from 28 days to 35 days. However, we have considered this further and believe that the disadvantage of this option is that it would increase the burden on officials, Ministers, the Parliamentary Clerk’s Office and the Chamber Desk for a period of 3 weeks after Parliament’s return from recess i.e. 16, 23 and 30 September, and would therefore reduce the Executive’s ability to answer questions on time. For example, if PQs lodged during weeks commencing 12, 19 and 26 August were allowed 35 days for answer, the deadlines would be during weeks commencing 16, 23 and 30 September. However, PQs lodged following the recess would have a 14-day deadline. Therefore, PQs lodged during weeks commencing 2, 9 and 16 September would also be due for answer during 16, 23 and 30 September. The current 28-day deadline has a similar effect but limited to only 2 “doubled-up” weeks and this would be unaffected by the extension of the 28-day deadline to 2 weeks prior to recess.

During the Committee meeting, it was suggested by members that the current 28-day deadline may not be necessary in respect of PQs lodged during the last week of recess. Having reflected on this, I think it would be counter-productive. While most Ministers and officials may have returned from holiday, in many cases there will be a number of issues requiring attention as a matter of priority. However, the continuation of the 28-day deadline for PQs in the final week will ease the pressure on those who have only shortly returned from holiday and on those who do not return until the following weeks. This, in turn, should result in MSPs receiving more answers received on time.

You kindly undertook to produce a report on the options discussed. I would be grateful if the Committee could consider this issue as a matter of priority as it would be helpful if any subsequent changes to the Standing Orders could be made in time for the 2-week period of recess in October.

Turning to PQs and public holidays, I welcome the Committee’s agreement, in principle, to amending Rule 13.5.2 of the Standing Orders to refer to working days instead of calendar days. Again, I would welcome early action on this point.

In the course of our discussion, you asked about reasons for the monthly variation in performance. You quoted figures of 87% for March and 59.4% for April. However, when taking into account the recess questions answered, the figures are 90% and 74% respectively. The 74% figure is in line with our overall average for November 2001 to April 2002 which I quoted in my opening remarks. The variation overall is therefore not quite as stark as it may have appeared.

During the meeting, in response to a query from Kenneth Macintosh, I undertook to give the Committee statistical information in relation to the Executive’s performance in answering Ministerial correspondence. I provided statistical information for the quarter January to March 2002 on 4 July in response to Kenneth Macintosh’s question S1W-27333. I attach a copy for information.

Finally, at the meeting, I touched on the inadmissibility of questions and I undertook to provide the Committee with some examples of questions (see Annex) which we believe should not have been accepted in that they refer to reserved matters or to matters for which the Executive has no direct responsibility. As you know from our discussions, we in the Executive are constantly trying to improve our performance in relation to answering Parliamentary questions. Acceptance of what I believe are inappropriate questions places a considerable extra burden on Ministers and Executive
staff. While I accept that the Committee may be limited in what it can do to address this situation, I would nevertheless welcome your views.

PATRICIA FERGUSON
ANNEX

EXAMPLES OF INADMISSIBLE PARLIAMENTARY QUESTIONS

Representation questions where the matter is either reserved or not a general responsibility of the Executive:

21002: Colin Campbell lodged 12 December 2001: To ask the Scottish Executive what representations it has made to Her Majesty’s Government to achieve relaxation of the restrictions on freight train traffic imposed on the Channel Tunnel by SNCF on 7 November 2001.
Answered by Lewis Macdonald (26 December 2001): Both rail freight and European and international rail services are reserved matters. The Scottish Executive is in regular contact with the UK Government on a wide range of rail issues, including freight services.

21435: Kenny MacAskill lodged 27 December: To ask the Scottish Executive what representations it has made to Her Majesty’s Rail Inspectorate regarding the opening of Beauty Station and when any such representations were made.
Answered by Lewis Macdonald (26 February 2002): Railway safety is a reserved matter. The re-opening of Beauty Station is a matter for Railtrack and the Health and Safety Executive. The Scottish Executive has no direct locus or powers to intervene.

22378: Adam Ingram lodged 25 January: To ask the Scottish Executive whether it will make representations to the Driver and Vehicle Licensing Agency to review the process of driving licence withdrawal from a person with a deteriorating psychiatric condition.
Answered by Lewis Macdonald (13 February 2002): The Scottish Executive is in regular contact with the UK Government on a wide range of issues, including driver licensing.

23707: Kenny MacAskill lodged 4 March: To ask the Scottish Executive whether it (a) has made or (b) will make any representations to the Postal Services Commission as part of the current consultation on the Commission’s market opening proposals in respect of the impact of the proposals on (i) social inclusion, (ii) rural areas and (iii) urban deprived areas.
Answered by Allan Wilson (18 March 2002): Consignia, post offices and postal services are reserved matters. The Scottish Executive is in regular contact with the Postal Services Commission on a range of issues, including its most recent consultation.

23816: Fergus Ewing lodged 7 March: To ask the Scottish Executive whether it will make any representations to the Boundary Commission for Scotland that, if the boundaries of the constituency of Inverness East, Nairn and Lochaber are altered, the new constituency name should be “Inverness, Nairn, Badenoch and Strathspey” and not “Inverness and Badenoch”.
Answered by Mr Andy Kerr (3 April 2002): This is a reserved matter and as the Scottish Executive does not have a statutory role, it does not intend to make any representations.

24736: Jamie McGrigor lodged 4 April: To ask the Scottish Executive what assessment it has made of any drop in tourism numbers in areas where wind farms are prevalent, for example in Denmark and Wales.
Answered by Mike Watson (2 May 2002): None, but VisitScotland is to undertake research later this year into visitors’ perceptions of the effect of wind farms on tourism.
25260: Kenny MacAskill lodged 22 April: To ask the Scottish Executive whether it has made any representations to Superfast Ferries about recruiting locally-based labour for the on-board ferry crew.
Answered by Lewis Macdonald (7 May 2002): The recruitment of seagoing staff by Superfast Ferries for its new Royston to Zeebrugge service is a commercial matter for the company: I understand that the company recently advertised for seagoing staff in the Scottish press.

Questions relating to wholly reserved matters:

18268: Brian Fitzpatrick lodged 19 September 2001: To ask the Scottish Executive what discussions have been held with the Department of Trade and Industry on changes to the Transfer of Undertakings Protection of Employment legislation as it effects the NHS in Scotland.
Answered by Susan Deacon (19 November 2001): Employment law is a reserved matter. However, the Department of Trade and Industry (DTI) is currently consulting widely on its proposals to change the Transfer of Undertakings Protection of Employment Regulations. Both the Scottish Executive and NHSScotland employers have been given the opportunity to put their views to DTI.

19432: Annabel Goldie lodged 26 October: To ask the Scottish Executive what steps it plans to take to protect the rural economy against the effect of any small quarry companies closing as a result of the introduction of the Aggregates Tax.
Answered by Ross Finnie (9 November 2001): The Aggregates Tax is a reserved matter. The Scottish Executive has no plans to provide additional assistance related to the tax.

22971: Tommy Sheridan lodged 11 February: To ask the Scottish Executive what the minimum level of subsistence is for individuals aged (a) 16 to 17, (b) 18 to 25 and (c) over 25, with (i) no dependents, (ii) one dependant and (iii) two or more dependents.
Answered by Iain Gray (6 March 2002): Social security benefits and policy on minimum incomes are reserved to the UK Government. The Executive will, however, continue to work closely with UK ministers on these and other issues in the pursuit of our social justice agenda.

23135: David Mundell lodged 14 February: To ask the Scottish Executive what action is being taken in order to promote awareness of digital television.
Answered by Dr Elaine Murray (5 March 2002): Broadcasting is a reserved matter and this issue is therefore for UK ministers. The UK Government published the Digital Television Action Plan on 21 December 2001, setting out the action being taken to facilitate the take-up of digital television.

25519: Richard Lochhead lodged 1 May: To ask the Scottish Executive what discussions it has had with the oil and gas industry regarding the economic and other effects of the new 10% supplementary charge to the existing corporation tax on oil and gas company profits announced in the UK Budget 2002 and whether it will detail any follow up action it plans to take.

Holding reply by Lewis Macdonald (13 May 2002): I shall reply to the member as soon as possible.
Answered by Lewis Macdonald (21 May 2002): We are in regular contact with the oil and gas industry on a wide range of matters affecting the industry. The main avenue for this contact is through the PILOT, of which I am the Vice Chair.
Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive what its performance has been in the first quarter of 2002 in answering ministerial correspondence.

Patricia Ferguson: In the answer given to question S1W-24583, I undertook to continue to report quarterly on the numbers of letters received by ministers and our performance in answering them.

In the quarter January to March 2002, 4,511 letters were received for ministerial reply of which 72% received a reply within 17 working days; and 88% received a reply within 25 working days. This is an improved performance on the fourth quarter when 69% of letters received a reply within 17 working days and 85% received a reply within 25 working days. The performance should be viewed against a 27% increase in the volume of correspondence compared to the last quarter.
ANNEX B

Issues Regarding Parliamentary Questions

1. This report covers various outstanding issues regarding Parliamentary Questions.

   Issue

2. Period of time for answers to be lodged to Parliamentary Questions.

   Raised by


   Background

4. As part of her evidence to the Procedures Committee\(^1\) on Parliamentary Questions on 11 June 2002, the Minister for Parliamentary Business raised the impact of recent public holidays on the number of questions that the Executive was able to answer on time in a week. She explained that because of the three holidays on 31 May, 3 June and 4 June, the Executive only had seven working days, rather than the normal ten to answer written questions lodged between 22 and 30 May. She suggested that there would be benefit all round if Rule 13.5.2 of the Standing Orders was changed to refer to working days instead of calendar days.

5. In response, the Convener requested that a report be prepared for the Committee identifying any practical implications and including a form of words that would enable the Committee to propose a change in the Standing Orders.\(^2\)

\(^1\) Procedures Committee, 9th Meeting 2002, Official Report c 1605

\(^2\)
Consideration

6. There is no doubt that the issue raised by the Minister for Parliamentary Business creates real practical difficulties. As she pointed out, during periods when there are one or more public holidays the Executive has a reduced number of working days in which to prepare answers. There is a further practical difficulty with current arrangements. Answers cannot be lodged on days when the Office of the Clerk is closed. Therefore questions lodged on 17 May, 20 May and 21 May could not have 31 May, 3 June and 4 June as their date due for answer; they were all due for answer on 5 June along with questions lodged on 22 May. As a result over two hundred questions were due for answer on 5 June, a situation which created considerable logistical difficulties for both the Executive and the Chamber Desk. Although it is unusual to have three holidays together, problems are created to a degree whenever there is a public holiday and it is normal during the Christmas recess for the Office of the Clerk to be closed for several consecutive days.

7. It is therefore considered that the Minister for Parliamentary Business's suggestion has practical advantage, provided that Rule 13.5.2 can be reworded in a way that does not disadvantage Members by lengthening the period of time within which questions are answered at normal times. Rule 13.5.2 states:

"The answer to a written question shall be lodged with the Clerk. An answer shall be lodged normally within 14 days of the question being lodged. In the case of a question lodged during the 7 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer shall be lodged normally within 28 days of the question being lodged."

\footnote{Official Report c 1612-1613}
8. The objective proposed by the Minister for Parliamentary Business would be achieved if the Executive had 10 working days to provide answers rather than 14 calendar days, in that answers would normally, except when there were public holidays, be given a fortnight after a question was lodged. It is however considered that the term “working day” is not sufficiently precise for the Standing Orders. There are, for example, days when the Office of the Clerk is closed which are not public holidays. It is therefore suggested that Rule 13.5.2 should instead relate to days when the Office of the Clerk is open which are referred to as “counting days”. An equivalent adjustment to the Rule is proposed to deal with recess periods.

**Recommendation**

9. The Committee is invited to recommend the following amendment to Standing Order 13.5:

For 13.5.2 there is substituted –

“The answer to a written question shall be lodged with the Clerk. An answer shall normally be lodged within 10 counting days of the day on which the question is lodged. In the case of a question being lodged during the 7 days before a period when the Parliament is in recess for more than 4 days and during that recess an answer shall normally be lodged within 20 counting days of the day on which the question is lodged."; and

After 13.5.2 there is inserted—

13.5.2A In 13.5 2 “counting days” means days when the Office of the Clerk is open.".
issue

10. Recess Arrangements

Raised by

11. The Minister for Parliamentary Business at the Procedures Committee, 11 June 2002 and in her letter to the Convener of 10 July 2002.

Background

12. In her evidence to the Procedures Committee on 11 June 2002, and subsequent letter of 10 July 2002 to the Convener, the Minister for Parliamentary Business raised three issues regarding parliamentary questions in the recess: possible extension of the 28-day deadline for recess questions, bringing forward the application of this deadline to two weeks before recesses, and a possible moratorium on questions during part of the recess. Before considering these issues, information is provided about the volume of questions lodged during the recent summer recess.

13. The table below shows the total volume of written questions lodged in the past recesses to date.

<table>
<thead>
<tr>
<th></th>
<th>2/7-30/8 1999</th>
<th>7/7-01/9 2000</th>
<th>2/7-31/8 2001</th>
<th>1/7-30/8 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scottish Executive</td>
<td>783</td>
<td>909</td>
<td>1125</td>
<td>1515</td>
</tr>
<tr>
<td>Presiding Officer</td>
<td>29</td>
<td>29</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>812</td>
<td>938</td>
<td>1130</td>
<td>1525</td>
</tr>
</tbody>
</table>
These figures show a steady increase over the four years, with the 2002 figures not being significantly below what would be expected in a nine-week period outside the recess.

28-Day Deadline

14. In her letter of 10 July, the Minister for Parliamentary Business indicates that the Executive has given further consideration to the desirability of extending the 28-day deadline to 35 days. She points out that the effect of extending the deadline would be to create a three-week period in September, compared with the current two weeks, when two weeks’ volume of questions has to be answered at the same time, 28-day questions from the recess and 14-day questions from after the recess. She draws attention to the significant workload implications of this for everyone involved.

15. In the light of the Minister’s comments, the Committee is asked to retain the current 28-day deadline for questions lodged in the recess and the week before the recesses.

16. The Minister also asked the Committee to consider extending the 28-day deadline to cover questions lodged two weeks, rather than one week, before recesses. The rationale for this is that the normal 14-day deadline, when applied to questions lodged during the second week before a recess, expires in the first week of the recess when many of those involved will be on holiday and therefore many questions lodged in this week are likely to receive holding answers.

17. It is probable that such a change would increase the Executive’s ability to provide substantive answers to questions within deadlines. Set against this, the change would increase the number of questions for which Members have to wait 28 days, rather than 14, for an answer. The Committee is asked to consider amending Rule 13.5.2 of Standing Orders, assuming it is amended as recommended in Paragraph 9, to read:
"The answer to a written question shall be lodged with the Clerk. An answer shall be lodged normally within 10 counting days of the day on which the question is lodged. In the case of a question lodged during the 14 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer shall normally be lodged within 20 counting days of the day on which the question is lodged."

18. The Committee might wish, at an appropriate time, to review whether this change has further enabled the Executive to answer more questions within deadlines and, if not, to consider the matter again.

19. When this issue was discussed at the Committee, Fiona Hyslop suggested that a quid pro quo might be that a question that was asked in the last week of a recess would not still be subject to the extended period for answering, on the grounds that staff could be expected to be fully functioning once they had returned from their holidays. In her letter of 10 July, the Minister states that she considers this measure would be counter-productive. She argues that "The continuation of the 28-day deadline for parliamentary questions in the final week will ease the pressure on those who have only shortly returned from holiday and on those who do not return until the following weeks. This, in turn, should result in MSPs receiving more answers on time."

20. Members are asked to consider this issue. We have no information on the pattern of Executive staff holidays, other than the comments by the Minister. It may be considered that, as the logic of the 28-day period is that, when part or the whole of the period for answer would fall in a recess, a longer period should be allowed for answer, it would be reasonable to retain the current arrangements.

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5 Official Report c 1613
Moratorium

21. The Minister stated that the Executive is not now seeking any moratorium on parliamentary questions during recesses.⁴

The Committee is asked to note this position.

Issue

22. Rule 13.5.1 on who answers written questions.

Raised by

23. Scottish Executive and clerks.

⁴ Official Report c 1605
24. Rule 13.6.2 on oral questions states that oral questions may be answered by “members of the Scottish Executive or junior Scottish Ministers”. In contrast, Rule 13.5.1, on written questions, states “other written questions may be answered by any member of the Scottish Executive” (“other” means any written questions other than those that are the specific responsibility of the First Minister, Lord Advocate or Solicitor General). Junior Ministers are not members of the Scottish Executive.

25. There is no good reason for this inconsistency. In practice, many written questions are most naturally answered by junior Ministers if, for example, the subject matter of the question falls within an area for which a junior Minister has a particular remit. In order to remove this anomaly, and regularise the position, it is recommended that Rule 13.5.1 be amended to read:

“A written question concerning a matter for which the First Minister is alone responsible may be answered only by the First Minister. A written question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland may be answered only by the Lord Advocate or the Solicitor General for Scotland. Other written questions may be answered by any member of the Scottish Executive or by a junior Scottish Minister.”

Recommendations

26. The following recommendations arise:

26.1 That Standing Order 13.5.2 be amended as set out in paragraph 9.

26.2 That the 28-day deadline for recess questions be retained (paragraph 15).
26.3 That the Committee consider whether to further amend Standing Order 13.5.2 as set out in paragraph 17.

26.4 That the Committee consider whether questions lodged in the final week of recess should have a 14-day or 28-day deadline for answer (10 or 20 counting days).

26.5 That the Committee note that the Executive is now not seeking any moratorium in the recess (paragraph 21).

26.6 That Standing Order 13.5.1 be amended as set out in paragraph 25.
Parliamentary Questions

The Convener: Hugh Flinn joins us for item 4, which is consideration of a report on various possible changes to standing orders in relation to parliamentary questions. This item arises from our meeting with the Minister for Parliamentary Business on 11 June and her subsequent letter of 10 July. Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting):
This is, in essence, a tidying-up paper dealing with various issues, most of which arise from the minister's attendance at the committee on 11 June. Proposed changes to standing orders are before members for consideration, and I shall summarise the paper briefly.
Paragraphs 2 to 9 deal with the period for answer to parliamentary questions. They highlight the difficulties that the current 14-day rule causes when public holidays occur during the 14 days for answer. They recommend that standing orders be changed so that the period for answer will normally be 10 days when the office of the clerk is open, rather than 14 normal days. For recess questions, the period will be 20 days when the office of the clerk is open, rather than 28 days. I hope that that change will address the various logistical difficulties that the current rule poses for the Executive and for the chamber desk, but I hope also that it does so without detriment to members in terms of the period for answer.
Paragraphs 10 to 21 address various issues relating to recess questions. We note that the Executive is not now seeking any moratorium period during recesses, nor is it seeking to extend the 28 days to 35 days. We have considered two issues concerning when the 28-day period when the office of the clerk is open should apply. It is really for members to take a decision on those two issues, which are addressed in paragraphs 17 and 20. Paragraphs 22 to 25 seek to address an anomaly in standing orders on the position of junior ministers, and recommend a change so that it is explicit that junior ministers can answer written questions as well as oral questions.
The recommendations are summarised in paragraph 28.
The Convener: We are also joined for the discussion by Andrew McNaughton from the Scottish Executive parliamentary liaison unit.

Andrew McNaughton (Scottish Executive Parliamentary Liaison Unit):
We welcome the recommendations and thank the committee for its consideration of them. As the convener knows, the Minister for Parliamentary Business, Patricia Ferguson, has commented on some of the Col 1713 recommendations in a letter of 10 July. I commend the recommendations to the committee.
The Convener: We will deal with the three sets of proposals in turn. The points that are made in paragraphs 1 to 9 of the paper reflect our discussion in June. The aim is to have questions answered within 10 working days, rather than within 14 days. I want to ask about the proposed insertion
into standing orders of the term "counting days" and the offer of a definition of that term. The basis for that recommendation appears to be that it is felt that the term "working days" is not very accurate. Might it have been possible to use the term "working days" and to provide a definition of the term for the purposes of this rule? Would that have conflicted with the way in which the term "working days" is used in other contexts, thereby leading to confusion?

Hugh Flinn: We considered that option, but it would have complicated the position. The working days of the Parliament and the working days of the Executive are not identical. No doubt a formulation could have been worked out, but it is likely that the wording would have been very complicated. We also considered wording based on the notion of days when the office of the clerk is open, but that led to complicated formulations in standing orders. The term "counting days" that is proposed for insertion in standing orders as rule 13.5.2A is a device designed to ensure that the substantive standing order is as simple as possible.

The Convener: So counting days are neither the working days of the Executive nor the working days of the Parliament.

Hugh Flinn: They are more akin to the working days of the Parliament—they relate to "days when the Office of the Clerk is open."

The Convener: Are counting days the working days of the Parliament?

Hugh Flinn: The Parliamentary Bureau can recommend that the office of the clerk should not be open on days that are not public holidays or privilege holidays for parliamentary staff. It often does so for the days between Christmas and new year. I do not think that counting days and the working days of the Parliament are exactly the same.

Donald Gorrie: This is broadening the issue a little, but would it be possible for the first sentence of standing order 13.5.2 to read, "The answer to a written question shall be lodged with the Clerk and shall answer the question"?

The Convener: That would be an interesting additional point to pursue, but it is not relevant to the specific issue of timing. I am sure that we will have ample opportunity in another context to discuss the issue that Donald Gorrie has raised.

Fiona Hyslop: Donald Gorrie makes a very interesting point, but perhaps we should seek answers to oral questions before dealing with written questions. I support what Hugh Flinn said about the importance of referring in standing orders to "days when the Office of the Clerk is open."

We know that many MSPs and their staff work on public holidays. It is important to define when the official business of motions and questions can be lodged. We should use the term "counting days" and define that exactly. In Edinburgh, in particular, there are a number of public holidays in May and June. Some of the main concerns relate to these.

I want to address the issue of the recess. The committee has worked with the Executive to reach an accommodation, taking into account the working of the chamber office. I am very pleased that the Executive is no longer seeking a moratorium on written questions during part of the recess or an extension of the deadline for answers to recess questions. We are left with the narrow issue of what happens at the end of the recess.
At the end of the summer recess, I had a very interesting experience. A helpful clerk pointed out to me that if I delayed lodging a question for two days it would be answered more quickly than if I lodged it during the recess. That is not common sense. I am reluctant for the last week of the recess to be covered by the rules for answering written questions that apply during the summer. We need to have a transition period, whereby the same rules would apply to the lodging of questions in the last week of the recess as would apply after the recess. I do not support the Executive's move to treat the last week of the recess in the same way as the rest of the summer, because that would produce the bizarre situation with which I was faced. I was told that if I hung on for two days, I would get a reply more quickly. That is not appropriate. The Executive and the committee have worked together constructively on improving responses to members and to staff. I am interested in the speed of response. I note that we have recently received notification on another of the issues that we are pursuing in relation to parliamentary questions—the cost of answering questions. I understand that Colin Boyd's office has replied that Colin Boyd cannot answer questions because of disproportionate cost.

I am concerned that the good will that we have shown in co-operating with the Executive on one issue is perhaps being undermined by the lack of response and the treatment by one of the Executive's departments of another issue that we are considering. I would prefer to operate on the basis of good will and co-operation, regardless of the issue that is raised. The Executive has raised the cost issue. We have responded promptly on an issue that is in the Executive's interests. I am slightly concerned that it is taking longer for some matters to come to light in relation to an issue that is not in the Executive's interests. The Executive seems to be operating a system without the agreement of the committee. That is my caveat. The Executive may or may not wish to respond to that point, because that is a point for the committee. I am willing to move towards the Executive to a great extent, but we must be aware that we must operate on the basis of good will with the Executive on such matters.

The Convener: The point has been made, but it is not relevant to the paper. I do not expect Hugh Flinn or Andrew McNaughton to be able to answer on advisory cost limits. However, you are free to add anything that might be pertinent in your answer to the earlier points.

Andrew McNaughton: In relation to Fiona Hyslop's point about not extending the deadline into the last week of the recess period, there will probably always be some anomalies in the operation of the process. As the Minister for Parliamentary Business has set out, our concern is that we might end up in a situation in which we were not able to answer questions as timeously as we would hope, which would be counterproductive. We all want questions to be answered timeously.

As the minister noted in her letter of 10 July, the Executive's holidays do not necessarily follow the Parliament's recess dates. When staff come and go, there will be other urgent business to pick up. There is a benefit in having a consistent approach. The 26-day period should apply to the whole or part of a recess. That is our line. In our opinion, it would be beneficial to allow a 26-day period for the answering of questions throughout the recess. However, it is for the committee to decide what it wants to do about the issue.
Susan Deacon: I never cease to be impressed by the ability of my colleague Fiona Hyslop to talk about good will and cooperation with the Executive, while taking a direct pop at the Executive. I agree that we can and should seek to maximise co-operation between the Executive and the Parliament. I have made that point several times. In particular, I have highlighted the importance of working together to make best use of the resources that are available to the Executive and the Parliament.

The table in paragraph 13 of annexe B is striking in revealing the inexorable rise in the number of parliamentary questions that are being lodged. I am aware that the figures in the table relate only to the recess period. The figure rose from 783 in 1998 to more than 1,500 in 2002. I know that there are similar trends throughout the rest of the year. I appreciate the fact that the committee has carried out a separate piece of work on issues around the volume and processing of parliamentary questions, which bears some relationship to the wider work that we have been doing on the CSG inquiry.

10:15

Senior representatives from the Executive and the Parliament are here today. I wonder whether this question has thrown up any further thoughts or observations on their part on what the steady increase in the number of questions has meant in resource terms. I am keen to know whether the work that we have been doing has generated further thoughts about what might be done to address these matters, because the increase in the number of questions is a matter of shared concern to the Parliament. I say that without seeking to limit or constrain an important part of the parliamentary process. I am interested in how we can manage it more effectively.

Hugh Flinn: The increase in the number of questions that were asked during the recess, particularly this year, has resource implications for parliamentary staff. The recess is usually when staff take leave so there are normally fewer clerks available to handle all the questions. There was very little difference between the number of questions that we received in this year's recess and the number of questions that we receive in a non-recess period. To talk about the reasons for that and to say whether we could consider additional areas would draw me too far into speculation.

Andrew McNaughton: We acknowledge that MSPs have the right to ask questions and we take responsibility for the questions that they ask. The increase in parliamentary questions since 1999 has resource implications, but we are improving our performance in coping with questions and responding to them in good time. That is because of the co-operation that we have with the Procedures Committee and the changes that have been agreed. We hope that that will continue. Some of the changes that have been proposed will lead us towards better performance. We see ourselves working in harmony with the Parliament.

Susan Deacon: I am grateful to Andrew McNaughton and Hugh Flinn for their comments. We will continue to consider the increase in the volume of parliamentary questions in relation to the other pieces of work in which we are involved.

Col 1717
Paul Martin (Glasgow Springburn) (Lab): We must be clear about what action we can take. Susan Deacon has raised relevant concerns about the increase in the volume of questions. However, the point that the Scottish Executive representative made is that MSPs have the right to ask questions. I appreciate that Susan Deacon and others have concerns, but what action can we take, apart from preventing duplicate questions from being submitted? I know that similar questions have been submitted on a number of occasions. The process of asking written and oral questions is helpful in that it creates a public record of information. That method is particularly helpful to MSPs. I welcome the new approach to dealing with the time scales. I have decided not to submit written questions on a number of occasions because of the time scales that are involved in getting responses. I recall submitting a number of questions that were answered months later. They could have been answered in a shorter time scale. The answer might have been relevant to a constituent. I know that Susan Deacon is not suggesting that we prevent MSPs from asking questions. We could continue to investigate the increasing number of questions and produce many documents like the one before us, but we will never solve the issue; it is a matter for members. We could compare ourselves with Westminster, which I know we have done in previous papers.

Fiona Hyslop: I have a question and a suggestion. Do the statistics that we receive on the Executive's speed of response within certain deadlines include holding responses?

My suggestion is about the small issue on which we have to take a decision, which is the last week of the recess. It occurred to me that if the last week of the recess had a 21-day deadline or a 15-counting-days deadline, it would mean that if the Executive received a question in the last week of the recess, in effect it would have the same amount of time as it would have had had the MSP waited until the first day back. In fact, the Executive would have a longer period, but the member would not be put at a disadvantage if they did not wait until the first week back after the recess. The last week would be a transition week, which would give the best of both worlds. I say that in the spirit of cooperation. Why cannot the system for the last week of recess operate on a 15-counting-day basis, which is midway between the summer deadline and full operation?

My question was on the statistics that we get on the speed of response, and picks up Paul Martin's point. What percentage of responses are holding replies?

Andrew McNaughton: I cannot comment on the statistics on holding replies and so forth, because I do not have the figures to hand. Hugh Flinn may be able to respond. I am not so quick-witted as to be able to follow your calculations on the counting days, but it sounds as though it is a compromise that may be worth considering. Rather than having a complete cut-off and going back to 10 days, you are proposing a 15-day period.

Fiona Hyslop: Yes, for the last week.

Andrew McNaughton: That is better than nothing, and it is better than where we are at. It is a compromise that we would want to consider.

The Convener: It is not a proposal that is before us today, of course, and it would be inappropriate to put the suggestion through the committee without members having examined it and its implications and without having collected
views from the various participants in the process. We can leave the proposal hanging on the wall as something that we might come to in the light of our experience of any changes that we agree to today.

At the outset, I aimed to discuss these matters in groupings, which worked only partly. One issue has not been addressed, and that is clarification on the applicability of junior ministers answering questions. Before we proceed to the recommendations, I invite members to comment on the matter.

**Donald Gorrie:** Junior ministers already answer questions.

**The Convener:** Yes. The changes are recommended simply to make it absolutely clear that the standing orders permit us to operate in the way that we operate. The change seeks to remove the potential for someone to misunderstand what is done, why it is done, and what is allowable.

**Fiona Hyslop:** The change is helpful, because if one wants to pursue an issue—perhaps by writing or contacting the minister rather than via written questions—it is helpful to have a steer on which junior minister is dealing with it, if it is not the minister.

**The Convener:** We have a set of recommendations on changes to standing orders, which we are required to agree to or not agree to. I will take them separately, as they may raise different issues.

The first proposal follows the recommendation in paragraph 9 to amend standing order 13.5, and change 14 days to 10 days and include a definition of counting days. Do we agree to that recommendation?

**Members indicated agreement.**

**The Convener:** The next point is not a Col 1719 recommended change, but a request simply to note that we do not recommend a change to the 28-day deadline. Do members agree that the deadline should be retained?

**Members indicated agreement.**

**The Convener:** We are asked to decide whether to amend standing order 13.5.2, as set out in paragraph 17. The suggestion will mean an improvement in the answering of questions within the deadlines. However, the improvement will come only through extending the deadlines. There is a balancing factor and it is up to the committee whether to accept the recommendation. Do members agree to the recommendation in paragraph 26.3?

**Members indicated agreement.**

**The Convener:** The committee is also asked to take a view on the issues that are raised in paragraphs 19 and 20 about whether we should have a 14-day or a 28-day deadline for answers to questions that are lodged in the final week of recess. We had an interesting discussion on that issue.

**Fiona Hyslop:** Does the committee operate on the basis that members cannot make a suggestion for a compromise during the meeting? Do we simply have to vote yea or nay on the recommendations that are before us?

**The Convener:** When we have a paper that analyses the reasons why something should be changed and which contains a proposal, it is reasonable to take a view on that proposal. If the committee wishes to consider a 15-counting-day alternative, that is perfectly reasonable, but it would also be reasonable for us to circulate that proposal. Andrew McNaughton is here to speak for the minister, but neither the minister nor her department, nor other people who are involved, have been consulted on the implications of a 15-
counting-day deadline. It would be appropriate for such a suggestion to be raised later, when people have had time to consider the implications.
Andrew McNaughton’s immediate reaction to the proposal was that something is better than nothing, but that was an off-the-cuff remark. I do not suggest that Fiona Hyslop is trying to bounce a proposal through, but the committee has never bounced through changes to standing orders; we always try to consult fully. The paper asks whether we want to make a change from 10 counting days to 20 counting days. If we do not, we can discuss subsequently whether 15 counting days is acceptable. That is a reasonable way in which to proceed.

Fiona Hyslop: On that basis, I propose that we have a 14-day deadline for questions that are lodged in the final week of the recess.

Col 1720

The Convener: That is essentially the status quo.
Hugh Flinn: No. The status quo would be a 28-day deadline.
The Convener: Okay. Fiona Hyslop proposes a change to standing orders. Are there any other views? The matter is complicated.
Donald Gorrie: Is not it possible to continue—if that is the correct terminology—the issue and to obtain a further report on the 15-day option, along the sensible lines that you suggest?
The Convener: That is a perfectly competent amendment to the proposal.
Fiona Hyslop: I support Donald Gorrie’s suggestion.
The Convener: What we are saying is that we would like to consider the issue again. We would like to gather views on Fiona Hyslop’s timing suggestion. We will consider that item separately, perhaps at the next meeting if it is possible to get further thoughts quickly enough. If not, we will consider the matter as soon as possible.

Members should simply note paragraph 26.5. Paragraph 26.6 recommends that we accept the change to legitimise junior ministers. Do members agree to that change?

Members indicated agreement.
Fiona Hyslop: Were junior ministers not legitimate before?
The Convener: The recommendation refers only to their role in answering questions.
APPENDIX B

Issues Regarding Parliamentary Questions

1. This report follows on from the paper PR/02/13/4 to the Committee on 29 October 2002 and deals with an issue raised in the Committee's discussion of that paper.

Issue

2. Period of time for answers to be lodged to parliamentary questions lodged in the last week of recess.

Raised by

3. Procedures Committee at its meeting on 29 October 2002.

Background

4. The Procedures Committee at its meeting on 29 October 2002 considered a paper (PR/02/13/4) on issues regarding parliamentary questions. During a discussion on whether written questions lodged in the last week of the recess should have 28 days (20 counting days) for answer in line with other recess questions or 14 days (10 counting days) in line with non-recess questions, Fiona Hyslop suggested that, as an alternative, such questions should have 21 days for answer (15 counting days). The Convener requested a report back to the Committee on this option.

Consideration

5. The rationale for having a shorter period for answer for questions lodged in the last week of recess is that the majority of the period for answer falls outside the recess and therefore the speed of the answer is less likely to be affected by the holidays of ministers and officials. However, the suggestion made at the Committee would create considerable logistical
difficulties in terms of the volume of answers to questions that would need to be processed at the same time.

6. All answers to written questions are processed within the Parliamentary Clerk's Office in the Executive and sent by them to the Parliament's Chamber Desk who arrange for publication in the Written Answers Report. On average 50 to 60 written answers are processed each day, but sometimes more than 100. However, in the third and fourth weeks after recesses a much larger volume of answers has to be processed. This is because in these weeks two weeks' worth of answers has to be processed: answers to questions in the last two weeks of recesses, which have 28 days for answer, and answers to questions in the first two weeks after recesses, which have 14 days for answer. This increased volume of answers already stretches the resources of the Parliamentary Clerk's Office and the Chamber Desk. If the 21-day suggestion was adopted, the situation in the third week after recesses would be even more difficult. Three weeks' worth of questions would be due for answer: questions from the penultimate week of the recess, from the last week of the recess and from the first week after the recess. The table below shows the number of answers that were due in the most recent such week, the week beginning 16 September 2002, and the number that would have been due if the 21-day suggestion were adopted. It is considered that the volume of answers that would have to be dealt with would place an excessive burden on the Parliamentary Clerk's Office and Chamber Desk.

<table>
<thead>
<tr>
<th>Date Due</th>
<th>Number Due Under Current System</th>
<th>Number Due under 21 Day System</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/09/2002</td>
<td>91</td>
<td>107</td>
</tr>
<tr>
<td>17/09/2002</td>
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<tr>
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<td>85</td>
<td>107</td>
</tr>
<tr>
<td>Total</td>
<td>482</td>
<td>608</td>
</tr>
</tbody>
</table>
Although 161 is the maximum figure in this table, the number of answers due could easily exceed 200.

**Recommendation**

7. The following recommendation arises.

That the Committee considers, in the light of the information described in this report, whether the period of answers for written questions lodged in the last week of recesses should stay at 28 days (20 counting days) or be reduced to 21 days (15 counting days).
ANNEX B

Issues Regarding Parliamentary Questions

1. This report covers various outstanding issues regarding Parliamentary Questions.

Issue

2. Period of time for answers to be lodged to Parliamentary Questions.

Raised by


Background

4. As part of her evidence to the Procedures Committee1 on Parliamentary Questions on 11 June 2002, the Minister for Parliamentary Business raised the impact of recent public holidays on the number of questions that the Executive was able to answer on time in a week. She explained that because of the three holidays on 31 May, 3 June and 4 June, the Executive only had seven working days, rather than the normal ten to answer written questions lodged between 22 and 30 May. She suggested that there would be benefit all round if Rule 13.5.2 of the Standing Orders was changed to refer to working days instead of calendar days.

5. In response, the Convener requested that a report be prepared for the Committee identifying any practical implications and including a form of words that would enable the Committee to propose a change in the Standing Orders.2

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1 Procedures Committee, 9th Meeting 2002, Official Report c 1605

2
Consideration

6. There is no doubt that the issue raised by the Minister for Parliamentary Business creates real practical difficulties. As she pointed out, during periods when there are one or more public holidays the Executive has a reduced number of working days in which to prepare answers. There is a further practical difficulty with current arrangements. Answers cannot be lodged on days when the Office of the Clerk is closed. Therefore questions lodged on 17 May, 20 May and 21 May could not have 31 May, 3 June and 4 June as their date due for answer; they were all due for answer on 5 June along with questions lodged on 22 May. As a result over two hundred questions were due for answer on 5 June, a situation which created considerable logistical difficulties for both the Executive and the Chamber Desk. Although it is unusual to have three holidays together, problems are created to a degree whenever there is a public holiday and it is normal during the Christmas recess for the Office of the Clerk to be closed for several consecutive days.

7. It is therefore considered that the Minister for Parliamentary Business’s suggestion has practical advantage, provided that Rule 13.5.2 can be reworded in a way that does not disadvantage Members by lengthening the period of time within which questions are answered at normal times. Rule 13.5.2 states:

“The answer to a written question shall be lodged with the Clerk. An answer shall be lodged normally within 14 days of the question being lodged. In the case of a question lodged during the 7 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer shall be lodged normally within 28 days of the question being lodged.”

2 Official Report c 1612-1613
8. The objective proposed by the Minister for Parliamentary Business would be achieved if the Executive had 10 working days to provide answers rather than 14 calendar days, in that answers would normally, except when there were public holidays, be given a fortnight after a question was lodged. It is however considered that the term “working day” is not sufficiently precise for the Standing Orders. There are, for example, days when the Office of the Clerk is closed which are not public holidays. It is therefore suggested that Rule 13.5.2 should instead relate to days when the Office of the Clerk is open which are referred to as “counting days”. An equivalent adjustment to the Rule is proposed to deal with recess periods.

Recommendation

9. The Committee is invited to recommend the following amendment to Standing Order 13.5:

For 13.5.2 there is substituted –

“The answer to a written question shall be lodged with the Clerk. An answer shall normally be lodged within 10 counting days of the day on which the question is lodged. In the case of a question being lodged during the 7 days before a period when the Parliament is in recess for more than 4 days and during that recess an answer shall normally be lodged within 20 counting days of the day on which the question is lodged.”; and

After 13.5.2 there is inserted—

13.5.2A In 13.5 2 “counting days” means days when the Office of the Clerk is open.”.
10. Recess Arrangements

11. The Minister for Parliamentary Business at the Procedures Committee, 11 June 2002 and in her letter to the Convener of 10 July 2002.

Background

12. In her evidence to the Procedures Committee on 11 June 2002, and subsequent letter of 10 July 2002 to the Convener, the Minister for Parliamentary Business raised three issues regarding parliamentary questions in the recess: possible extension of the 28-day deadline for recess questions, bringing forward the application of this deadline to two weeks before recesses, and a possible moratorium on questions during part of the recess. Before considering these issues, information is provided about the volume of questions lodged during the recent summer recess.

13. The table below shows the total volume of written questions lodged in the past recesses to date.

<table>
<thead>
<tr>
<th></th>
<th>2/7-30/8 1999</th>
<th>7/7-01/9 2000</th>
<th>2/7-31/8 2001</th>
<th>1/7-30/8 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scottish Executive</td>
<td>783</td>
<td>909</td>
<td>1125</td>
<td>1515</td>
</tr>
<tr>
<td>Presiding Officer</td>
<td>29</td>
<td>29</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>812</td>
<td>938</td>
<td>1130</td>
<td>1525</td>
</tr>
</tbody>
</table>
These figures show a steady increase over the four years, with the 2002 figures not being significantly below what would be expected in a nine-week period outside the recess.

**28-Day Deadline**

14. In her letter of 10 July, the Minister for Parliamentary Business indicates that the Executive has given further consideration to the desirability of extending the 28-day deadline to 35 days. She points out that the effect of extending the deadline would be to create a three-week period in September, compared with the current two weeks, when two weeks’ volume of questions has to be answered at the same time, 28-day questions from the recess and 14-day questions from after the recess. She draws attention to the significant workload implications of this for everyone involved.

15. In the light of the Minister’s comments, the Committee is asked to retain the current 28-day deadline for questions lodged in the recess and the week before the recesses.

16. The Minister also asked the Committee to consider extending the 28-day deadline to cover questions lodged two weeks, rather than one week, before recesses. The rationale for this is that the normal 14-day deadline, when applied to questions lodged during the second week before a recess, expires in the first week of the recess when many of those involved will be on holiday and therefore many questions lodged in this week are likely to receive holding answers.

17. It is probable that such a change would increase the Executive’s ability to provide substantive answers to questions within deadlines. Set against this, the change would increase the number of questions for which Members have to wait 28 days, rather than 14, for an answer. The Committee is asked to consider amending Rule 13.5.2 of Standing Orders, assuming it is amended as recommended in Paragraph 9, to read:
“The answer to a written question shall be lodged with the Clerk. An answer shall be lodged normally within 10 counting days of the day on which the question is lodged. In the case of a question lodged during the 14 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer shall normally be lodged within 20 counting days of the day on which the question is lodged.”

18. The Committee might wish, at an appropriate time, to review whether this change has further enabled the Executive to answer more questions within deadlines and, if not, to consider the matter again.

19. When this issue was discussed at the Committee, Fiona Hyslop suggested that a *quid pro quo* might be that a question that was asked in the last week of a recess would not still be subject to the extended period for answering, on the grounds that staff could be expected to be fully functioning once they had returned from their holidays. In her letter of 10 July, the Minister states that she considers this measure would be counter-productive. She argues that “The continuation of the 28-day deadline for parliamentary questions in the final week will ease the pressure on those who have only shortly returned from holiday and on those who do not return until the following weeks. This, in turn, should result in MSPs receiving more answers on time.”

20. **Members are asked to consider this issue.** We have no information on the pattern of Executive staff holidays, other than the comments by the Minister. It may be considered that, as the logic of the 28-day period is that, when part or the whole of the period for answer would fall in a recess, a longer period should be allowed for answer, it would be reasonable to retain the current arrangements.

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3 *Official Report c 1613*
Moratorium

21. The Minister stated that the Executive is not now seeking any moratorium on parliamentary questions during recesses.\(^4\)

The Committee is asked to note this position.

Issue

22. Rule 13.5.1 on who answers written questions.

Raised by

23. Scottish Executive and clerks.

\(^4\) Official Report c 1605
24. Rule 13.6.2 on oral questions states that oral questions may be answered by “members of the Scottish Executive or junior Scottish Ministers”. In contrast, Rule 13.5.1, on written questions, states “other written questions may be answered by any member of the Scottish Executive” (“other” means any written questions other than those that are the specific responsibility of the First Minister, Lord Advocate or Solicitor General). Junior Ministers are not members of the Scottish Executive.

25. There is no good reason for this inconsistency. In practice, many written questions are most naturally answered by junior Ministers if, for example, the subject matter of the question falls within an area for which a junior Minister has a particular remit. In order to remove this anomaly, and regularise the position, it is recommended that Rule 13.5.1 be amended to read:

“A written question concerning a matter for which the First Minister is alone responsible may be answered only by the First Minister. A written question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland may be answered only by the Lord Advocate or the Solicitor General for Scotland. Other written questions may be answered by any member of the Scottish Executive or by a junior Scottish Minister.”

Recommendations

26. The following recommendations arise:

26.1 That Standing Order 13.5.2 be amended as set out in paragraph 9.

26.2 That the 28-day deadline for recess questions be retained (paragraph 15).
26.3 That the Committee consider whether to further amend Standing Order 13.5.2 as set out in paragraph 17.

26.4 That the Committee consider whether questions lodged in the final week of recess should have a 14-day or 28-day deadline for answer (10 or 20 counting days).

26.5 That the Committee note that the Executive is now not seeking any moratorium in the recess (paragraph 21).

26.6 That Standing Order 13.5.1 be amended as set out in paragraph 25.
Parliamentary Questions

The Convener: Hugh Flinn joins us for item 4, which is consideration of a report on various possible changes to standing orders in relation to parliamentary questions. This item arises from our meeting with the Minister for Parliamentary Business on 11 June and her subsequent letter of 10 July. Hugh Flinn (Scottish Parliament Directorate of Clerking and Reporting): This is, in essence, a tidying-up paper dealing with various issues, most of which arise from the minister’s attendance at the committee on 11 June. Proposed changes to standing orders are before members for consideration, and I shall summarise the paper briefly.

Paragraphs 2 to 9 deal with the period for answer to parliamentary questions. They highlight the difficulties that the current 14-day rule causes when public holidays occur during the 14 days for answer. They recommend that standing orders be changed so that the period for answer will normally be 10 days when the office of the clerk is open, rather than 14 normal days. For recess questions, the period will be 20 days when the office of the clerk is open, rather than 28 days. I hope that that change will address the various logistical difficulties that the current rule poses for the Executive and for the chamber desk, but I hope also that it does so without detriment to members in terms of the period for answer.

Paragraphs 10 to 21 address various issues relating to recess questions. We note that the Executive is not now seeking any moratorium period during recesses, nor is it seeking to extend the 28 days to 35 days. We have considered two issues concerning when the 28-day period when the office of the clerk is open should apply. It is really for members to take a decision on those two issues, which are addressed in paragraphs 17 and 20.

Paragraphs 22 to 25 seek to address an anomaly in standing orders on the position of junior ministers, and recommend a change so that it is explicit that junior ministers can answer written questions as well as oral questions. The recommendations are summarised in paragraph 26.

The Convener: We are also joined for the discussion by Andrew McNaughton from the Scottish Executive parliamentary liaison unit.

Andrew McNaughton (Scottish Executive Parliamentary Liaison Unit): We welcome the recommendations and thank the committee for its consideration of them. As the convener knows, the Minister for Parliamentary Business, Patricia Ferguson, has commented on some of the recommendations in a letter of 10 July. I commend the recommendations to the committee.

The Convener: We will deal with the three sets of proposals in turn. The points that are made in paragraphs 1 to 9 of the paper reflect our discussion in June. The aim is to have questions answered within 10 working days, rather than within 14 days. I want to ask about the proposed insertion...
into standing orders of the term "counting days" and the offer of a definition of that term. The basis for that recommendation appears to be that it is felt that the term "working days" is not very accurate. Might it have been possible to use the term "working days" and to provide a definition of the term for the purposes of this rule? Would that have conflicted with the way in which the term "working days" is used in other contexts, thereby leading to confusion?

**Hugh Flinn:** We considered that option, but it would have complicated the position. The working days of the Parliament and the working days of the Executive are not identical. No doubt a formulation could have been worked out, but it is likely that the wording would have been very complicated. We also considered wording based on the notion of days when the office of the clerk is open, but that led to complicated formulations in standing orders. The term "counting days" that is proposed for insertion in standing orders as rule 13.5.2A is a device designed to ensure that the substantive standing order is as simple as possible.

**The Convener:** So counting days are neither the working days of the Executive nor the working days of the Parliament.

**Hugh Flinn:** They are more akin to the working days of the Parliament—they relate to "days when the Office of the Clerk is open."

**The Convener:** Are counting days the working days of the Parliament?

**Hugh Flinn:** The Parliamentary Bureau can recommend that the office of the clerk should not be open on days that are not public holidays or privilege holidays for parliamentary staff. It often does so for the days between Christmas and new year. I do not think that counting days and the working days of the Parliament are exactly the same.

**Donald Gorrie:** This is broadening the issue a little, but would it be possible for the first sentence of standing order 13.5.2 to read, "The answer to a written question shall be lodged with the Clerk and shall answer the question"?

**The Convener:** That would be an interesting additional point to pursue, but it is not relevant to the specific issue of timing. I am sure that we will have ample opportunity in another context to discuss the issue that Donald Gorrie has raised.

**Fiona Hyslop:** Donald Gorrie makes a very interesting point, but perhaps we should seek answers to oral questions before dealing with written questions. I support what Hugh Flinn said about the importance of referring in standing orders to "days when the Office of the Clerk is open."

We know that many MSPs and their staff work on public holidays. It is important to define when the official business of motions and questions can be lodged. We should use the term "counting days" and define that exactly. In Edinburgh, in particular, there are a number of public holidays in May and June. Some of the main concerns relate to those.

I want to address the issue of the recess. The committee has worked with the Executive to reach an accommodation, taking into account the working of the chamber office. I am very pleased that the Executive is no longer seeking a moratorium on written questions during part of the recess or an extension of the deadline for answers to recess questions. We are left with the narrow issue of what happens at the end of the recess.
At the end of the summer recess, I had a very interesting experience. A helpful clerk pointed out to me that if I delayed lodging a question for two days it would be answered more quickly than if I lodged it during the recess. That is not common sense. I am reluctant for the last week of the recess to be covered by the rules for answering written questions that apply during the summer. We need to have a transition period, whereby the same rules would apply to the lodging of questions in the last week of the recess as would apply after the recess. I do not support the Executive's move to treat the last week of the recess in the same way as the rest of the summer, because that would produce the bizarre situation with which I was faced. I was told that if I hung on for two days, I would get a reply more quickly. That is not appropriate. The Executive and the committee have worked together constructively on improving responses to members and to staff. I am interested in the speed of response. I note that we have recently received notification on another of the issues that we are pursuing in relation to parliamentary questions—the cost of answering questions. I understand that Colin Boyd's office has replied that Colin Boyd cannot answer questions because of disproportionate cost. I am concerned that the good will that we have shown in co-operating with the Executive on one issue is perhaps being undermined by the lack of response and the treatment by one of the Executive's departments of another issue that we are considering. I would prefer to operate on the basis of good will and co-operation, regardless of the issue that is raised. The Executive has raised the cost issue. We have responded promptly on an issue that is in the Executive's interests. I am slightly concerned that it is taking longer for some matters to come to light in relation to an issue that is not in the Executive's interests. The Executive seems to be operating a system without the agreement of the committee. That is my caveat. The Executive may or may not wish to respond to that point, because that is a point for the committee. I am willing to move towards the Executive to a great extent, but we must be aware that we must operate on the basis of good will with the Executive on such matters. The Convener: The point has been made, but it is not relevant to the paper. I do not expect Hugh Flinn or Andrew McNaughton to be able to answer on advisory cost limits. However, you are free to add anything that might be pertinent in your answer to the earlier points. Andrew McNaughton: In relation to Fiona Hyslop's point about not extending the deadline into the last week of the recess period, there will probably always be some anomalies in the operation of the process. As the Minister for Parliamentary Business has set out, our concern is that we might end up in a situation in which we were not able to answer questions as timely as we would hope, which would be counterproductive. We all want questions to be answered timeously. As the minister noted in her letter of 10 July, the Executive's holidays do not necessarily follow the Parliament's recess dates. When staff come and go, there will be other urgent business to pick up. There is a benefit in having a consistent approach. The 28-day period should apply to the whole or part of a recess. That is our line. In our opinion, it would be beneficial to allow a 28-day period for the answering of questions throughout the recess. However, it is for the committee to decide what it wants to do about the issue.
Susan Deacon: I never cease to be impressed by the ability of my colleague Fiona Hyslop to talk about good will and co-operation with the Executive, while taking a direct pop at the Executive. I agree that we can and should seek to maximise co-operation between the Executive and the Parliament. I have made that point several times. In particular, I have highlighted the importance of working together to make best use of the resources that are available to the Executive and the Parliament.

The table in paragraph 13 of annexe B is striking in revealing the inexorable rise in the number of parliamentary questions that are being lodged. I am aware that the figures in the table relate only to the recess period. The figure rose from 783 in 1999 to more than 1,500 in 2002. I know that there are similar trends throughout the rest of the year. I appreciate the fact that the committee has carried out a separate piece of work on issues around the volume and processing of parliamentary questions, which bears some relationship to the wider work that we have been doing on the CSG inquiry.

Senior representatives from the Executive and the Parliament are here today. I wonder whether this question has thrown up any further thoughts or observations on their part on what the steady increase in the number of questions has meant in resource terms. I am keen to know whether the work that we have been doing has generated further thoughts about what might be done to address these matters, because the increase in the number of questions is a matter of shared concern to the Parliament. I say that without seeking to limit or constrain an important part of the parliamentary process. I am interested in how we can manage it more effectively.

Hugh Flinn: The increase in the number of questions that were asked during the recess, particularly this year, has resource implications for parliamentary staff. The recess is usually when staff take leave so there are normally fewer clerks available to handle all the questions. There was very little difference between the number of questions that we received in this year’s recess and the number of questions that we receive in a non-recess period. To talk about the reasons for that and to say whether we could consider additional areas would draw me too far into speculation.

Andrew McNaughton: We acknowledge that MSPs have the right to ask questions and we take responsibility for the questions that they ask. The increase in parliamentary questions since 1999 has resource implications, but we are improving our performance in coping with questions and responding to them in good time. That is because of the co-operation that we have with the Procedures Committee and the changes that have been agreed. We hope that that will continue. Some of the changes that have been proposed will lead us towards better performance. We see ourselves working in harmony with the Parliament.

Susan Deacon: I am grateful to Andrew McNaughton and Hugh Flinn for their comments. We will continue to consider the increase in the volume of parliamentary questions in relation to the other pieces of work in which we are involved.
Paul Martin (Glasgow Springburn) (Lab): We must be clear about what action we can take. Susan Deacon has raised relevant concerns about the increase in the volume of questions. However, the point that the Scottish Executive representative made is that MSPs have the right to ask questions. I appreciate that Susan Deacon and others have concerns, but what action can we take, apart from preventing duplicate questions from being submitted? I know that similar questions have been submitted on a number of occasions. The process of asking written and oral questions is helpful in that it creates a public record of information. That method is particularly helpful to MSPs. I welcome the new approach to dealing with the time scales. I have decided not to submit written questions on a number of occasions because of the time scales that are involved in getting responses. I recall submitting a number of questions that were answered months later. They could have been answered in a shorter time scale. The answer might have been relevant to a constituent. I know that Susan Deacon is not suggesting that we prevent MSPs from asking questions. We could continue to investigate the increasing number of questions and produce many documents like the one before us, but we will never solve the issue; it is a matter for members. We could compare ourselves with Westminster, which I know we have done in previous papers.

Fiona Hyslop: I have a question and a suggestion. Do the statistics that we receive on the Executive’s speed of response within certain deadlines include holding responses?

My suggestion is about the small issue on which we have to take a decision, which is the last week of the recess. It occurred to me that if the last week of the recess had a 21-day deadline or a 15-counting-days deadline, it would mean that if the Executive received a question in the last week of the recess, in effect it would have the same amount of time as it would have had had the MSP waited until the first day back. In fact, the Executive would have a longer period, but the member would not be put at a disadvantage if they did not wait until the first week back after the recess. The last week would be a transition week, which would give the best of both worlds. I say that in the spirit of co-operation. Why cannot the system for the last week of recess operate on a 15-counting-day basis, which is midway between the summer deadline and full operation?

My question was on the statistics that we get on the speed of response, and picks up Paul Martin’s point. What percentage of responses are holding replies?

Col 1718

Andrew McNaughton: I cannot comment on the statistics on holding replies and so forth, because I do not have the figures to hand. Hugh Flinn may be able to respond. I am not so quick-witted as to be able to follow your calculations on the counting days, but it sounds as though it is a compromise that may be worth considering. Rather than having a complete cut-off and going back to 10 days, you are proposing a 15-day period.

Fiona Hyslop: Yes, for the last week.

Andrew McNaughton: That is better than nothing, and it is better than where we are at. It is a compromise that we would want to consider.

The Convener: It is not a proposal that is before us today, of course, and it would be inappropriate to put the suggestion through the committee without members having examined it and its implications and without having collected
views from the various participants in the process. We can leave the proposal hanging on the wall as something that we might come to in the light of our experience of any changes that we agree to today. At the outset, I aimed to discuss these matters in groupings, which worked only partly. One issue has not been addressed, and that is clarification on the applicability of junior ministers answering questions. Before we proceed to the recommendations, I invite members to comment on the matter.

Donald Gorrie: Junior ministers already answer questions.

The Convener: Yes. The changes are recommended simply to make it absolutely clear that the standing orders permit us to operate in the way that we operate. The change seeks to remove the potential for someone to misunderstand what is done, why it is done, and what is allowable.

Fiona Hyslop: The change is helpful, because if one wants to pursue an issue—perhaps by writing or contacting the minister rather than via written questions—it is helpful to have a steer on which junior minister is dealing with it, if it is not the minister.

The Convener: We have a set of recommendations on changes to standing orders, which we are required to agree to or not agree to. I will take them separately, as they may raise different issues. The first proposal follows the recommendation in paragraph 9 to amend standing order 13.5, and change 14 days to 10 days and include a definition of counting days. Do we agree to that recommendation?

Members indicated agreement.

The Convener: The next point is not a recommended change, but a request simply to note that we do not recommend a change to the 28-day deadline. Do members agree that the deadline should be retained?

Members indicated agreement.

The Convener: We are asked to decide whether to amend standing order 13.5.2, as set out in paragraph 17. The suggestion will mean an improvement in the answering of questions within the deadlines. However, the improvement will come only through extending the deadlines. There is a balancing factor and it is up to the committee whether to accept the recommendation. Do members agree to the recommendation in paragraph 26.3?

Members indicated agreement.

The Convener: The committee is also asked to take a view on the issues that are raised in paragraphs 19 and 20 about whether we should have a 14-day or a 28-day deadline for answers to questions that are lodged in the final week of recess. We had an interesting discussion on that issue.

Fiona Hyslop: Does the committee operate on the basis that members cannot make a suggestion for a compromise during the meeting? Do we simply have to vote yea or nay on the recommendations that are before us?

The Convener: When we have a paper that analyses the reasons why something should be changed and which contains a proposal, it is reasonable to take a view on that proposal. If the committee wishes to consider a 15-counting-day alternative, that is perfectly reasonable, but it would also be reasonable for us to circulate that proposal. Andrew McNaughton is here to speak for the minister, but neither the minister nor her department, nor other people who are involved, have been consulted on the implications of a 15-
counting-day deadline. It would be appropriate for such a suggestion to be raised later, when people have had time to consider the implications. Andrew McNaughton’s immediate reaction to the proposal was that something is better than nothing, but that was an off-the-cuff remark. I do not suggest that Fiona Hyslop is trying to bounce a proposal through, but the committee has never bounced through changes to standing orders; we always try to consult fully. The paper asks whether we want to make a change from 10 counting days to 20 counting days. If we do not, we can discuss subsequently whether 15 counting days is acceptable. That is a reasonable way in which to proceed.

Fiona Hyslop: On that basis, I propose that we have a 14-day deadline for questions that are lodged in the final week of the recess.

The Convener: That is essentially the status quo.

Hugh Flinn: No. The status quo would be a 28-day deadline.

The Convener: Okay. Fiona Hyslop proposes a change to standing orders. Are there any other views? The matter is complicated.

Donald Gorrie: Is not it possible to continue—if that is the correct terminology—the issue and to obtain a further report on the 15-day option, along the sensible lines that you suggest?

The Convener: That is a perfectly competent amendment to the proposal.

Fiona Hyslop: I support Donald Gorrie’s suggestion.

The Convener: What we are saying is that we would like to consider the issue again. We would like to gather views on Fiona Hyslop’s timing suggestion. We will consider that item separately, perhaps at the next meeting if it is possible to get further thoughts quickly enough. If not, we will consider the matter as soon as possible.

Members should simply note paragraph 26.5. Paragraph 26.6 recommends that we accept the change to legitimise junior ministers. Do members agree to that change?

Members indicated agreement.

Fiona Hyslop: Were junior ministers not legitimate before?

The Convener: The recommendation refers only to their role in answering questions.
APPENDIX B

Issues Regarding Parliamentary Questions

1. This report follows on from the paper PR/02/13/4 to the Committee on 29 October 2002 and deals with an issue raised in the Committee’s discussion of that paper.

Issue

2. Period of time for answers to be lodged to parliamentary questions lodged in the last week of recess.

 Raised by

3. Procedures Committee at its meeting on 29 October 2002.

Background

4. The Procedures Committee at its meeting on 29 October 2002 considered a paper (PR/02/13/4) on issues regarding parliamentary questions. During a discussion on whether written questions lodged in the last week of the recess should have 28 days (20 counting days) for answer in line with other recess questions or 14 days (10 counting days) in line with non-recess questions, Fiona Hyslop suggested that, as an alternative, such questions should have 21 days for answer (15 counting days). The Convener requested a report back to the Committee on this option.

Consideration

5. The rationale for having a shorter period for answer for questions lodged in the last week of recess is that the majority of the period for answer falls outside the recess and therefore the speed of the answer is less likely to be affected by the holidays of ministers and officials. However, the suggestion made at the Committee would create considerable logistical
difficulties in terms of the volume of answers to questions that would need to be processed at the same time.

6. All answers to written questions are processed within the Parliamentary Clerk’s Office in the Executive and sent by them to the Parliament’s Chamber Desk who arrange for publication in the Written Answers Report. On average 50 to 60 written answers are processed each day, but sometimes more than 100. However, in the third and fourth weeks after recesses a much larger volume of answers has to be processed. This is because in these weeks two weeks’ worth of answers has to be processed: answers to questions in the last two weeks of recesses, which have 28 days for answer, and answers to questions in the first two weeks after recesses, which have 14 days for answer. This increased volume of answers already stretches the resources of the Parliamentary Clerk’s Office and the Chamber Desk. If the 21-day suggestion was adopted, the situation in the third week after recesses would be even more difficult. Three weeks’ worth of questions would be due for answer: questions from the penultimate week of the recess, from the last week of the recess and from the first week after the recess. The table below shows the number of answers that were due in the most recent such week, the week beginning 16 September 2002, and the number that would have been due if the 21-day suggestion were adopted. It is considered that the volume of answers that would have to be dealt with would place an excessive burden on the Parliamentary Clerk’s Office and Chamber Desk.

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<th>Number Due Under Current System</th>
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</table>
Although 161 is the maximum figure in this table, the number of answers due could easily exceed 200.

Recommendation

7. The following recommendation arises.

That the Committee considers, in the light of the information described in this report, whether the period of answers for written questions lodged in the last week of recesses should stay at 28 days (20 counting days) or be reduced to 21 days (15 counting days).
14th MEETING OF THE PROCEDURES COMMITTEE

CONSULTATIVE STEERING GROUP
DISCUSSION PAPER

1. A discussion paper is attached summarising evidence and drawing some tentative conclusions as an aid to discussion by the Committee of general points, 'access and participation' and 'equal opportunities'. References and footnotes have been omitted at this stage, to facilitate changes in text as the report is discussed and finalised.

2. The Committee is invited to discuss and agree any conclusions and recommendations.

Directorate of Clerking and Reporting
November 2002
INTRODUCTION

Aims of the Review


2. The report of the Group set out 4 "key principles":

   - the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;

   - the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and the Executive should be accountable to the people of Scotland;

   - the Scottish Parliament should be accessible, open, responsive and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation;

   - the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.

3. The Group used these principles which it commented "...have been broadly welcomed and accepted by the wide range of bodies and individuals who have responded to us..." as, "...an invaluable benchmark against which to test our emerging conclusions" and a "basis for the consultation". The Group invited the Scottish Parliament, "...to endorse them, to stand as a symbol of what the Scottish people may reasonably expect from their electoral representatives".

4. On 9 June 1999 the Parliament endorsed the principles.

5. One of the Group's recommendations was that the Parliament should measure its achievements regularly against the principles, and that this task should fall to the Procedures Committee.

6. In the opening of his Foreword to the Scottish Parliament Annual Report 2000 to 2001, Sir David Steel MSP, the Presiding Officer, states:

   "Our three main roles are to:

   - pass laws;

   - keep check on the activities of the Scottish Executive; and

   - act as a forum for national debate and for expressing the opinions of Scottish people."
In carrying out these roles, we are guided by our founding principles of:

- sharing power;
- accountability;
- openness, accessibility and involvement; and
- promoting equal opportunities."

The Presiding Officer's focus here indicates the continuing centrality of these principles in the life of the Parliament, and the importance of ensuring that our day-to-day working practices in every part of the Parliament conform closely to them.

7. The Procedures Committee launched its remit for the second stage of the inquiry on 3 April 2001:

"Whether the key CSG principles as endorsed by the Parliament - sharing power, accountability, accessibility and equal opportunities - are being implemented in the Parliament, to what extent and with what success."

8. This inquiry does not therefore extend beyond the Parliament. Neither does it propose to examine whether the principles the Parliament has endorsed are flawless. Nevertheless, no-one has seriously challenged these principles in evidence to this Committee.

9. The evidence net has been cast widely. Individual members of the general public, many facets of organised civic society, devolution governance partners such as the Scottish Civic Forum, local government and the Scottish Executive, have contributed to our work.

10. The Committee's conclusions will reflect this evidence. They will reflect the strengths and the achievements of the Scottish Parliament, and they will distil the insights and recommendations of our witnesses and partners with the perspectives which the Committee itself has drawn from its ongoing work on Parliamentary procedures and process. They will include recommendations to the Presiding Officer, Parliament, the Executive, the Corporate Body and the Bureau how to strengthen our devolved institutions and how to develop even further the partnership which the authors of the CSG envisaged between the Parliament and Scottish civic society.
Approach adopted

11. We sought views as widely as possible. The general call for evidence was issued by means of a Parliamentary News Release on 3 April 2001.

12. This was followed up by over 2,000 individual letters containing copies of the News Release and illustrative questions to individuals and institutions which were considered to have an interest in contributing to this process, seeking their views. Over 300 written responses were received.

13. MORI Scotland was engaged to survey MSPs and staff of the Parliament employed by the Scottish Parliamentary Corporate Body (SPCB). MORI was also asked to conduct focus groups amongst the general public in order to gain a qualitative, up-to-date snap shot of such views.

14. Members of the Committee held 3 public meetings to discuss the inquiry with local people in Hawick (Borders), Paisley (Central Belt), Ullapool (Highlands), and also took the opportunity to make associated schools visits in Paisley and Ullapool.

15. In addition, 14 formal evidence sessions were held from October 2001 to May 2002 in the course of which the Committee heard from over 100 individual witnesses.

16. Among those who came to give evidence were former petitioners, committee witnesses, the Presiding Officer, the Chief Executive/Clerk of the Parliament, the then Minister for Parliament, Parliamentary Committee Conveners, MORI Scotland representatives, former members of the CSG, representatives of the SPCB, MSPs, academics, and representatives of the voluntary sector, business, trade unions, the broadcast and written media, local councils, Scottish Civic Forum, and the former equal opportunities adviser to the Parliament. Where appropriate, witnesses were invited as groups rather than singly in order to promote a broad appreciation of issues.

Structure of the paper

17. We have chosen to approach the 4 principles slightly differently from the way the CSG set them out. The CSG put the most challenging - power-sharing - in the forefront, and adduced the other principles in support of it. We do not challenge the logic of the CSG approach, but we have chosen to deal first with access and participation, and equal opportunities, before moving on to accountability and then power-sharing.

18. The reason for this is because access and participation and equal opportunities are prerequisites for effective accountability. Power sharing is last, not because it is the least important, but because it is the least familiar concept - at least in a concrete, Parliamentary sense - and arguably the most aspirational.
It is also, in a sense, a culmination of the effective working out of the first 3 principles, and so seems not inappropriately placed last.

19. Each of the 4 key principles then is considered in turn taking account of the evidence received. Points which the Committee wish to emphasise will be highlighted in bold type, and specific recommendations will be itemised.

20. There is very considerable 'read across' between the sections. How issues are allocated to the principles is less important than the selection of issues themselves. These sections are preceded by the short following section highlighting a number of general points.

Perspectives

21. Four general perspectives emerged from the evidence taken, and these will inform the comments, conclusions and recommendations which we will make.

22. First, a hunger to participate in the life and work of the Parliament is evident in the substance and the volume of the evidence we have had. Irrespective of whether the grounds of a respondent's engagement with us was criticism or praise, the desire to contribute constructively to the Parliament almost invariably came through strongly.

23. This is notable because not only is it evidence of society's desire to play the part envisioned by the authors of the CSG Report, but because it makes it a vital priority that the Parliament's mechanisms engaging society are fully fit for purpose.

24. In this inquiry people have indicated that the speed of Parliamentary processes reduces, or even prevents, their ability to participate in these processes adequately. The business of the Parliament needs to be conducted without undue delay. Equally, processes which are over-brisk can hinder the participation of those who are currently trying to do so, and worse, could deter those with whom the Parliament needs to engage but who are currently not participating at all. There needs to be a balance struck between the despatch of business and debate upon it. Perhaps that balance has yet to be achieved fully.

25. Second, the role of the media is highly important, as the Committee has heard evidence that the public largely obtain their information about the Parliament via the broadcast and written media. While it is a reasonable aspiration that, over time, a significant proportion of the population in a modestly sized country such as Scotland might have some form of direct engagement with the Parliament, whether for example as visitor, committee witness or petitioner (and we have the views of some witnesses that such engagement usually leads to positive feelings towards the Parliament), it is likely nevertheless to remain true that the media will retain an important role in informing the public about the life of the Parliament.
26. Some newspaper coverage is unduly negative of course, but much is balanced. Taking account of what the polling evidence tells us about attitudes to the Parliament, we hope to be able to build further on the bedrock of support that exists for our work, by developing a more focussed media strategy to assist us to communicate more effectively with the people of Scotland. We will address this in a later paper.

27. Third, the Parliament has been praised for its wide range of innovative practices. There has been intense academic and media interest, extensive contact from other parliaments and devolved legislatures in the UK and all over the world, and warm support from these quarters, civic society and the public for the Parliament's willingness to improve procedures.

28. In its brief life the Parliament has influenced the procedures of other institutions; and wide notice has been taken by other assemblies, parliaments and governments around the world of the Parliament and its procedures. The evidence gathered suggests that the public are looking to us to build on what has been achieved already.

29. Fourth, the 'new politics' in Scotland is concerned vitally with the enrichment and development of a tissue of governance partnerships between the individual people of Scotland, the government of Scotland (the Scottish Executive), the Scottish Parliament, and the groups and institutions comprising what is usually termed, in the literature of devolution theory, 'civic society'. These partnerships are not ends in themselves but a means to making a positive, qualitative difference to people's lives generally. It is hardly to be conceived that participative democracy will function as envisaged by the authors of the CSG Report unless these partners are not only willing but able to work in concert.

30. What has also come through powerfully is the unequal strengths of these Scottish governance partners, and the stresses which emerge when these partners attempt to act 'participatively'.

31. So, for example, a theme in the evidence is the at times almost intolerable strain which the present consultation culture of the Parliament and the Executive can place on key but modestly resourced bodies in civic society. The act of consultation (which is discussed in more detail later) is a main plank in the Executive's and the Parliament's drive to 'share power' with its partners. Yet that activity could prove to have limited utility because of consultees' inability to cope with the demands placed upon them. The willingness to engage is present; the resources in all cases may not be.

32. This inequality is demonstrated tellingly by a comparison of the personnel resources able to be deployed by the Scottish Executive, Scottish Parliament, and the Scottish Civic Forum in contributing to the policy and legislative life of the Nation. This imbalance between the staff resources of governments and parliaments is likely to be a feature of modern democracies generally.

33. To 30 July 2002, 44 Bills had passed into law, 30 being Executive Bills. This substantial volume of Executive inspired law is not necessarily a negative feature of Parliamentary life given the existence of provisions for pre-legislative
consultation. It does however mean that the consultation on draft legislation has to be of the very highest quality in order to help ensure appropriate and well founded legislation.

34. The legislative position is a good indication of the extent of the dominance of the Scottish Executive in the Parliament. This dominance is tempered to an extent by the work of Parliamentary Committees, the existence of open debate in the Chamber, and consultation. The key initiative on timetabling decisions for the Parliament lies however with the Parliamentary Bureau on which the Scottish Executive has a weighted majority enabling it to ensure its business. That the Executive also has a majority in the Parliament, which is required to consider the timetabling, or 'business' motion proposed by the Bureau means that any change to the business motion (by means of Rules 8.11.3 and 4 of Standing Orders) is unlikely.

35. The 'block vote' is an example of deliberate structured party proportionality reflected in the procedural 'architecture' of the Parliament and which is founded upon general election results. In respect of the membership of committees, for example, the Scotland Act 1998 states: "The standing orders shall include provision for ensuring that, in appointing members to committees and sub-committees, regard is had to the balance of political parties in the Parliament." (Schedule 3, b(2)).

36. Underlying these distinctions in the roles of the Parliament and Executive are the obvious tensions between the Westminster model of governance and what is thought of as a more directly participative model. The Government White Paper, "Scotland's Parliament" (Con 3658), the Consultative Steering Group Report, and the Standing Orders of the Scottish Parliament, can all be seen as progressively more detailed attempts to knit together these models in a coherent way.

37. Tensions remain over which model of democratic representation is exemplified by the Parliament: "The relationship between the Scottish Executive and the Scottish Parliament will be similar to the relationship between the UK Government and the UK Parliament.", and, "...the Executive's first and foremost duty is to deliver the programme for government on which it was elected. That has involved, and will continue to involve, an ambitious and substantial legislative programme...", can be seen to sit awkwardly with such perceptions as have been expressed to us that, while the Parliament may be implementing the CSG principles, "... the Executive does not seem to have changed its culture much."

38. The CSG noted that: "Since the Scottish Executive will be responsible for the distribution of most of the Parliament's £15 billion budget and for implementing policies and legislation in Scotland, we believe that it is essential that the culture of openness and accessibility is reflected in the workings of the Scottish Executive." The CSG foresaw that considering the substantial responsibilities of the Executive, it would have a "considerable influence on the way the Scottish Parliament is perceived."
39. In that context, it is imperative that the Scottish Executive is committed to the CSG model and its principles. The Executive has made its commitment explicit. "The Scottish Executive is committed to working with the Parliament to ensure these principles are a reality, and underpin every aspect of the Parliament's work...[and wishes] to ensure that the aspirations and ideals reflected in the CSG principles become ever more firmly rooted in the day-to-day work of the parliament."

40. The manner in which these principles will be interpreted, applied and articulated by the governance partners will depend crucially on their individual histories, roles and perceived priorities, particularly in these early days of the new arrangements as the new arrangements 'bed in'.

41. The Committee therefore considers that it is essential that ways in which the Scottish governance partners might communicate and co-operate with one another better should be found and fostered.

42. The Scottish Parliament is presently in an excellent position to exert leadership in this task, if it chooses to take up the challenge. It is new and relatively unencumbered with past disappointments; and has made strides already in 'outreach'; its MSPs are a rich resource in the task of drawing the public into the Parliament and engaging them in the general political picture.

43. The established networks and organisations of what might be called 'civic life' or 'civic society' are a fact of life. It is necessary that the Parliament should engage with them. These groups are generally equipped (although frequently not well equipped) and certainly eager to engage with the Parliament: "The voluntary groups and non-governmental organisations have never been as thoroughly consulted as they are being now."

44. The Parliament must also reach beyond such networks however by using significant and imaginative 'outreach' strategies. This is a task which may not bear fruit overnight. It needs however to be a steady vision informing the creation of the Parliament's personality from the outset in order to sustain the presence of a culture of inclusiveness.

45. The evidence given to the Committee demonstrated that those who come into contact with the Parliament tend to be more positive about it than those who have not. This is generally taken to mean that the Parliament is 'on the right lines'. Great care is needed however that the Parliament's self image is one formed out of relating to the full cross section of the Scottish people.

46. One small example of this which emerged from evidence was that advisors to committees were frequently academics and not 'real people'.

47. This is unfair to academics who are certainly 'real people'. But what is meant is clear enough, namely, that the Parliament as a whole may not yet be making sufficient effort to hear the voices of those who cannot, or have no desire at present to join, what might be called 'network Scotland' but whose Parliament this is as much as the educated, articulate and currently networked. This is a
vision of inclusiveness that we commend as a fundamental and constant aspiration in all the work the Parliament does.
ACCESS AND PARTICIPATION

"The Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation."

Introduction

48. It is difficult to separate the Parliamentary principles from one another, and because they are mutually supportive it appears to us ultimately fruitless.

49. There are many occasions in later sections of this text where issues of access and participation will be raised. Any public petitions system, for example, is concerned as fundamentally with the access of citizens to the parliamentary process as it is about 'power sharing'; 'consultation' is similarly cross-cutting; and it is difficult to conceive how 'power sharing', however interpreted will be able to develop in the absence of access and participation 'gateways' to the centres of political decision making.

50. Nevertheless, we believe that it is convenient to disaggregate the principles in the approach adopted in this paper because, firstly, it permits a focus to fall on the contexts and policies which are driving each principle; secondly, it allows some sort of assessment of the relative success or failure of these policies to emerge; and, thirdly, it enables the identification of whatever further action may be called for.

51. Access and Participation can be seen as the prerequisite for progress on the more profound and difficult concept of 'power sharing'. Where citizens have poor access to and low participation in the political processes, it seems to us that the vision which the Parliament is seeking to embody of a steadily widening participative democracy will be incapable of realisation. Thus while it is convenient to analyse each principle separately in this Report, at root the 4 principles are integral parts of this single model of polity.

52. The phenomenon of citizen disaffection from the political process in Europe, and attempts to reverse that trend, are well documented.

53. The stress placed by the CSG on 'access and participation' may be seen as part of a Europe-wide drive to reverse this trend of disaffection and to address a perceived crisis in the relationship between the people and the political process: "... all indicators suggest that most citizens, especially the younger generation, are turned off politics both in terms of direct interest and with regard to their own possible participation."

54. John Loughlin lists some of the ways European countries have attempted to rejuvenate their politics, and there are obvious areas of commonality with the CSG's lists, 'Mechanisms for Encouraging Participation: General' and 'Mechanisms to Facilitate Participation in the work of Parliamentary Committees.'
55. Thus far, Loughlin suggests the results of such techniques on the stated objective have been disappointing: "The general picture that emerges... is that the use of these techniques has had limited success."

56. One problem is reconciling the "traditional mechanisms of liberal democratic representation" and "the representation of specific categories of the population". It appears that, here too, the jury on success or failure remains out.

57. It is useful to remind ourselves that in the area of access and participation this Parliament, in common with similar institutions Europe-wide, is midway through an experiment to renew the terms of engagement between the citizen and representative assemblies and parliaments.

58. In the case of this Parliament, that experiment is taking place within a highly specific UK legislative and administrative framework which creates predictable tensions between the drive to seek new ways of engaging the voters in the political process and the perceived integrity of specific Parliamentary structures. This tension is not necessarily a negative phenomenon because it creates a sense of historical continuity between political structures which in turn produces an institutional context which is evolutionary. It nevertheless may impose limitations on the speed of progress towards participative ‘refreshment’.

59. One example of such a limitation, is the present inability of the Parliament to invite third parties (non-MSPs) to sit on Parliamentary committees, an initiative proposed by the CSG but which the terms of the 1998 Act frustrates. As we discuss later on, that limitation could be overcome by amendments to the 1998 Act to enable this Parliament to take full control of its own procedures. The block to progress here need be temporary only, if the Parliament, and the UK Government, are so minded.

60. Progress has been made in some directions quickly of course. For example, committees of the Parliament made use of the rapporteur/reporter technique. and public petitions is already a widely admired feature of the Scottish Parliament, as we report later. Committees have been active in testing new ways of engaging with people as, for example, the Enterprise and Lifelong Learning Committee did with a “Business in the Chamber” session on 18 February 2000 bringing together over 100 businessmen and women in the context of that committee’s Inquiry into the Delivery of Local Economic Development Services in Scotland.

61. The Parliament is at present in the midst of a process of seeking new ways of engaging with the people of Scotland. While there can be no rush to judgement therefore, we do reflect in what follows on what the evidence told us; record what has been done to try and foster access and participation; and make recommendations about how access and participation might be improved and extended.
Access and Participation in the Parliament

62. This principle attracted the most positive comments from those who gave evidence to us.

63. MORI Scotland's (anonymous) public focus group assessment of 'access' is necessarily impressionistic but raised issues of barriers to information such as the use of jargon in information about how the Parliament works and what it is doing; and unattractive presentation. Nevertheless there was awareness that information about the Parliament was available. These focus group participants however, '... received most of their information from the printed media and the television...' Those who looked proactively for such information were in the minority.

64. The focus group participants felt 'participation' for them meant participation in elections, or in the Parliamentary petitioning process. Improvements they suggested were: '... educating young people in the ways of the Parliament...', more advertisement by the Parliament of its successes, and a 'Scottish Parliament Roadshow'.

65. We heard from Mr Simon Braunholtz of MORI Scotland that there is some evidence that much of the public is hazy about the work the Parliament does, and is also unsure of the relationship between it, the Scottish Executive and the Westminster Parliament. Mr Braunholtz recommended that the Parliament should adopt a communications programme to set out what the Parliament is, and what it does, and should then move progressively to engage with the public.

66. We received considerable evidence from the Scottish Parliament Corporate Body (SPCB) on "accountability, openness and responsiveness." The main conclusion of the SPCB was that: "... the Parliament is making significant inroads into being accessible, open, responsive and participative but there is still some way to go." It is worthwhile noting the range of activity underway in some detail as highlighted by the SPCB.

67. Cross party groups have been established: "... which provide access to Members outwith the formal setting of committee or Chamber business."

68. Various forms of 'outreach' have been developed which involve and encourage civic participation initiatives, the promotion of the Parliament in the media, the Education and Gaelic services provided by the Parliament, and the Parliament's partner libraries.

69. The SPCB told us that work was proceeding on an external communications strategy.

70. Information about the Parliament is available in paper, audio tape and CD Rom formats.

71. The Parliament has a widely praised website also. We were pleased to note that it is widely accessible through a variety of IT systems ("all common
software and hardware IT platforms"), and has also been through an audit, "to assess its accessibility for disabled users".

72. The monthly average of Scottish Parliament web 'hits' in the first quarter of 2002 was just over 700,000 from within the UK and internationally.

73. An accountability audit of the website was conducted by the University of Dundee's Media Accessibility Unit to ensure the web was meeting its obligations to users. As a result the site was substantially redesigned and re-launched in June 2001.

74. In recognition of the importance of the website as a key information channel, and to ensure that users' requirements are met, a Scottish Parliament Intranet/Internet Editorial Board was set up earlier this year to manage all aspects of the website. We understand that a Parliamentary Users Group will be established and there is likely to be a market research exercise to increase knowledge about external users' requirements. As a result of this work it is planned that a specification for a second re-design of the website will be drawn up in late 2003.

75. All public Parliamentary committee papers are on the website. Electronic petitions are able to be received. All MSPs have an e-mail address available on the website to facilitate contact. Computing services for MSPs are available at remote sites to enable members and their staff to link to the Parliament's data network. Advanced IT facilities were key to the success of the Parliament's visits to Glasgow and Aberdeen in 2000 and 2002.

76. Videoconferencing is frequently used by committees.

77. Internet broadcasting ('webcasting'), piloted on the Parliament's official Open Day in July 1999, allowed world-wide access to the event, and has become a regular part of the Parliament's accessibility drive to enable registered users in Canada, Sweden, Japan, Thailand and New Zealand, and many other countries to be kept in touch with the Parliament's business.

78. The Parliament's webcasting of its Opening Day has been noted by the Broadcasting Committee of the House of Commons, Westminster, and the European Union. Advice on a similar service has been offered by the Parliament to Queensland State Assembly, Australia, and it is the SPCB's view that: "We are certainly the only Parliament broadcasting its proceedings on the web on 'broadband', near-TV quality pictures live onto computer screens."

79. Films and video have been used to promote the Parliament. We also note that the SPCB has judged that the broadcasting of the Parliament - and the rules under which the broadcasts take place - have proved successful.

80. There is a Parliamentary telephone enquiry number for public use. Over 20,000 calls have been logged from May 1999 to June 2002. Almost 100,000 people have called on the Parliament's Visitor Centre, which contains interactive displays and a wide variety of information and goods for sale.
81. Eighty Partner libraries, one for each parliamentary constituency in Scotland with additional coverage mostly in the Highlands and Islands, hold copies of all the Parliament's public documentation, and the staff of the libraries receive training from the Parliament's own information staff, SPICe, and are linked directly to SPICe. Some of the libraries have webcam and video conferencing facilities.

82. The SPCB has undertaken a survey on how well SPICe publications "help people to participate in the work of the Parliament". It was reported that the publications were valued highly, but that the public services offered by SPICe could benefit from better advertising and that web access to them could be improved. The SPCB has told us that this work is in hand.

83. The Education Service of the Parliament, staffed by teachers who have qualified in Scotland, involves pupils and teachers in the Parliament by means of a visits programme introducing young people to the work of the Parliament. These visits are co-ordinated with the Primary and Secondary schools' curriculums in Scotland. Since September 1999, 360 schools and 11,000 young people have visited the Parliament with an approximate ratio of 35:65 primary to secondary schools. We were told that both the Welsh Assembly and the Westminster Parliament are adopting such services based on this Parliament's model. The Education Service also works with local libraries and Citizens Advice Bureaux and others in supplying information about the work of the Parliament.

84. In addition, devolution and the Scottish Parliament have been incorporated into the national curriculum for Modern Studies, and the Education Service has facilitated workshops for teachers and provided educational materials to assist with this aspect of the curriculum.

85. In March 2001, the Scottish Parliament hosted the Young People's Health Congress which involved around 100 secondary school pupils aged around 13 and 14 acting out Stages 2 and 3 of a mock Bill in the Chamber under the direction of the Education Service.

86. The Gaelic Service of the Parliament has worked to promote communication between the Gaelic community and the Parliament. This has included acting as the Parliament's spokesperson to the Gaelic media, and overseeing the production of a range of information about the Parliament for Gaelic speakers and readers.

87. Youth Congress events were organised by the Parliament's Education Service in 1999 and 2001 to enable young people and teachers to experience working in the Parliamentary environment at first hand.

88. The Parliament has hosted 3 Open Days which have attracted approximately 15,000 members of the public to visit the Parliament and to meet MSPs and staff of the Parliament.

89. Members and senior staff of the Parliament in particular undertake a wide range of speaking engagements and visits in Scotland, the UK and world-wide.
They also host many incoming visits. All staff and members are, of course, ambassadors for the Scottish Parliament.

90. Andrew Welsh MSP and Des McNulty MSP of the SPCB, supported by Paul Grice, the Parliament's Chief Executive/Clerk, gave oral evidence to us. They conveyed a powerful commitment towards a Parliament which is operating with the context of the 4 Parliamentary principles:

"... we do not want a Parliament that is remote, incomprehensible, uncommunicative, introverted and unfriendly. Our Parliament belongs not to the MSPs but to all the people of Scotland, whom we serve."

91. In addition to the SPCB's work on an external communications strategy, we heard about ongoing initiatives on corporate governance. We detected a distinct thrust to plan, not only for the immediate needs of the Parliament - vital though that is - but also for the medium term. Paul Grice placed this inquiry in that context:

"We hope that some of the committee's conclusions will help us to get our strategic planning of services right. In other words, we are trying to imagine the specifics of what we should achieve in the medium term. Who do we want to communicate with and how do we want to communicate with them? What will be the combination of physical outreach work and work that we do in Edinburgh? What will technology enable us to do and for what will technical solutions be inappropriate?"

92. Des McNulty summed up the SPCB's view of the Parliament's overall aims, a view that lends coherence to the work noted in the immediately preceding paragraphs:

"Parliament must be able to fulfil its constitutional role; Scotland must be well informed about its Parliament; the people of Scotland must be able to be involved in our Parliament, and the Parliament must be well run and respected as such."

93. What has been noted above amounts to a substantial body of start-up work, which is of course taking place in parallel with the major exercise of planning of the Parliament's physical move from the present 'make-do' estate into a permanent base in Holyrood in 2003.

94. We would like to take this opportunity to pay tribute to the SPCB and the Parliament staff for what has been achieved to date.
$External\ evidence$

95. Much of the external evidence received about the application of access and participation reinforced the broadly positive impression conveyed by MORI Scotland's figures.

96. The Scottish Retail Consortium commented on the: "... open, transparent and accessible manner in which the Parliament operates"; while the Scottish Chamber of Commerce felt that, "... we are more engaged with the process [of Parliament] than we are at Westminster or Brussels." The Federation of Small Business believed that: "... the Parliament has delivered responsible, open and participative government that is accessible to the business community."

97. In the immediately succeeding paragraphs we would like to review some ideas conveyed to us by those who took the trouble to engage with the Inquiry.

98. There was emphasis from UNISON and Learning and Teaching Scotland of the importance of the Parliament working with young people, as of course it does at present.

99. The Educational Institute of Scotland suggested that the joint project it had run with UNICEF, 'Put it to your MSP', involving secondary schools holding surgeries with their local MSPs, should be held annually and run by the Parliament.

100. Barnardos considered that more support was required for organisations through which the voice of the: "... most excluded, vulnerable, disadvantaged and hard to reach children..." could be heard by the Parliament.

101. Substantial research commissioned for the Education, Culture and Sport Committee by SPICe, and sent to this Inquiry by Professor Malcolm Hill of the University of Glasgow, one author of the research, reminded us generally of the vital importance of engaging with the young on policy and legislation, and of the need to hear not only from teenagers but from younger children too.

102. The Modern Studies Association sought more resources for the Parliament's education effort to increase school visits, special events, outreach, ICT links with schools, and generally to ensure that work in this area was 'state of the art'.

103. The Scottish Pensioners Forum thought that the sort of work the Parliament has done with young people (through the Education Service) could usefully be extended to other social groups.

104. Many consultees commented about IT. Joyce McMillan thought that the Parliament should consider an initiative to establish Scottish Parliament IT access points in schools and village halls across the country. A similar point was made by the Democracy Group Adult Learning Project which considered that computers should be available in every public library to access the Parliament.
105. The Vale of Leven Elderly Forum and J Russell Thomson warned against an over-reliance on electronic means of communication. While the website attracted praise, South Lanarkshire Council made a plea for consultation about the site to incorporate the views of users.

106. Physical access to the present, temporary buildings of the Parliament also came across as an issue. A pupil visiting from Ashcraig School, Glasgow, remarked that wheelchairs would not access the Education Centre (Canonball House). The Scottish Environment LINK considered the Chamber and committee rooms to be awkward for the disabled. We received a comment on the limited space in committee rooms for observers. We expect that these problems will be resolved when the Parliament moves to its permanent accommodation.

107. The staff of the Parliament received praise for their helpful, welcoming and inclusive support to those coming into the Parliament.

108. Dougal Carnegie and others considered that replies to correspondence from the Parliament could be more expeditious.

109. Feedback to consultation responses was sought by, for example, the Royal College of General Practitioners (Scotland).

110. Accessibility to MSPs was compared favourably to Ministers and civil servants by Scottish Environment LINK, Scottish Council of Voluntary Organisations (SCVO), and the Third Sector Policy Officers' Network.

111. The Scottish Pharmaceutical General Council made a plea to the Parliament to offer advice, support and training for organisations which wish to become involved with the Parliament.

112. There was desire that the respective roles of councillors, constituency and list MSPs, MPs and MEPs be clarified, and for the Parliament to take a lead in this.

113. 'Time for Reflection' received praise, but one consultee commented on the relatively light attendance by members.

114. The Royal National Institute for Deaf People reminded us that the requirements of the deaf in providing information in suitable form, and to enable their participation was an important issue.

115. The Ayrshire and Arran Health Board commented on the importance of Parliamentary publications and consultations being written in 'plain English' and being free of jargon.

116. The Parliament's approach to access and participation issues appears to be effective, has been generally welcomed, and continues to stimulate an appetite amongst the general public and organised groups for interaction with it.

117. There needs of course to be appropriate proportionality between supply and demand in this area. Increased effort to provide access and enhance participation will stimulate increased demand and expectations, and demand
may never be satisfied. It is vital therefore that efforts to increase participation are given shape by a cost-effective and targeted strategy whose success is quantifiable, whose performance is measurable and which delivers value for money to the Scottish people and the Parliament alike.

118. The SPCB’s external communications strategy has yet to be published. The Committee heard from Professor Philip Schlesinger of the Stirling Media Research Institute who had been involved in advising the Parliament, and who stressed the following points to us:

- the importance of having a communications strategy
- the importance of proactive media relations, openness and good relations with the media
- the involvement of media specialism, beyond political reporting
- the role of local media
- the usefulness of promotional efforts around Scotland, for example, committees travelling outside Edinburgh
- the value of Open Days and invitations to people to see the Parliament in operation
- the need for outreach to go to colleges and universities as well as schools to reach the ‘under engaged’.
- the use of easy to read and newsworthy material to make the website even more ‘user friendly’
- the benefits of relating external relations activities to the communications strategy
- the fundamental goal of helping to halt the fall in general political engagement and building positive relations with the electorate.

119. We consider that the external communications strategy will be key to creating an appropriate framework for all efforts to improve access and expand participation.

120. Professor Schlesinger has noted:

"In my experience, the people who are most positive about the Parliament are people in the policy community, people who have had interaction with MSPs or people who have in one way or other, come to the Parliament to examine it. Outside that corps of people, the vast majority of the public are yet to engage with the Parliament."

121. This is the challenge: how both to expand and to deepen the terms of engagement between people and Parliament to build on the excellent work already achieved.
122. The reinforcement of existing links between the Parliament and the public and organised groups needs to continue. We think it will be of the first importance that the momentum to expand the Parliament's activities and to continue to reach out to those who are presently disengaged politically is maintained. Resources for civic participation need to be commensurate with such a policy.

123. The hopes of the Expert Panel on Information and Communications Technologies for the Scottish Parliament's website, namely, that it should be 'exciting, compelling, dynamic, interactive and immediate' appear to be well on the way to being achieved.

124. The Bertelsmann Foundation of Berlin, in a report reviewing the use of the internet by parliaments and governments world-wide stated:

"There is no doubt about it. As regards participation, Scotland is out in front. The parliament in Edinburgh … is also making efforts to achieve openness and transparency on the internet … [it has] initiatives such as e-consultation and e-petition. Via the net, citizens are able to initiate and comment on legislative procedures."

125. We have accepted the use of English as the Parliament's normal working language, and we have taken a close interest over the past three years in the development of the Parliament's languages policy. We give our enthusiastic support to the significant progress which has been made in this period to open up the Parliament: acceptance of the use of any language in parliamentary debates; the incorporation of Scots and Gaelic into the Official Report as appropriate; the courtesy of responses to correspondence using the originating language; the ability to petition the Parliament in any language; the provision of interpretation and translation services on request, where a failure to provide these would result in exclusion from the political process; appointments to two posts to respond to demands for services in Gaelic in the Parliament; and the production of public information and information factfiles in Arabic, Bengali, Chinese, English, Gaelic, Punjabi, Scots and Urdu.

Media

126. The work of MORI Scotland suggests that most Scottish people obtain information about the Parliament through the media, as noted earlier. At a deeper level, the media's role in analysing the political process and the activities of politicians generally is a crucial part of the general way governments and political structures are held to account in a modern democracy.

127. The perception of one consultee was that: "… we have little knowledge to go on other than what is screened via the media."

128. Professor Schlesinger reminded us that the ways people perceive the Parliament will be very different depending on whether their experience of it is direct or not.
129. 'Outreach', as operated by the Parliament’s Participation Services Unit, is designed to establish a direct link between people and the Parliament. We noted previously our belief that in a modestly sized country such as Scotland some form of direct experience of the Parliament by a majority of people over time does not seem to us an unrealistic objective.

130. Nevertheless, however successful 'outreach' becomes, the media will play a continuing and important role in informing the general public about the Parliament.

131. The Consultative Steering Group was advised by a 'Media Issues Expert Panel' chaired by a civil servant but which was comprised largely of media professionals. The remit of the Panel was:

"To advise on how the Parliament and the media should relate to each other. How the Parliament will present itself through the media. How the media should conduct itself while covering the Parliament; and the terms on which Members of the Scottish Parliament, its staff and the Executive should have contact with and speak to the media."

The main CSG Report, published prior to the Supplementary Report of the Panel, has relatively little to say directly about the media but does note that:

"Concern has been expressed over the regular portrayal of politics by the media. The media has the potential to play an important positive role in explaining how the Parliament operates and helping to facilitate its consultative processes."

132. The Supplementary Report made a number of recommendations about the Parliament and the media, amongst the most significant of which were:

- that the media should have "wide access" to the Parliament; that all "reasonable requests" for accreditation of journalists should be granted;

- co-operative relations between the media and Parliamentary staff were envisaged and boundaries were identified, for example, "questions to staff should be factual only" and "there should be no questions about the behaviour or performance of individual MSPs;"

- the Scottish Parliament should have the minimum of rules for television coverage;

- the "gallery-surrogate" model, that is, allowing the viewer to observe any aspect of proceedings at any time as though he/she were a spectator in the public gallery should be adopted in filming proceedings."

133. Submissions were received to the inquiry from the British Broadcasting Corporation (BBC), the Society of Editors (SOE), the Scottish Daily Newspaper Society (SDNS), and from members of the Scottish Parliamentary Journalists Association (SPJA).
134. Oral evidence was taken from media representatives on 29 January and 21 May 2002 and we heard then from representatives of the BBC, SDNS, SOE, the SPJA and the National Union of Journalists (NUJ). Professor Schlesinger also contributed to our discussion.

135. Amongst the considerable body of evidence, a number of points emerged which we consider should be highlighted.

136. The BBC considered that "arrangements for media access have worked well" and that "the principles of openness and accessibility have in general been successfully applied". It thought that there would be benefit in the Parliament convening a group of broadcasters and parliamentarians: "...to monitor how the existing rules are being applied." and to look forward to arrangements in the new Parliament building. We noted that the Parliament's Broadcasting Office viewed this idea positively.

137. Paul Holleran, the National Union of Journalists (NUJ) representative, laid stress on the important role local newspapers have in reflecting the work of the Parliament throughout Scotland. This found a strong resonance with the Parliament's Media Relations Office.

138. Ann Galbraith of the Society of Editors (SOE) stressed the vital relationship between MSPs and their local newspapers, and her view that more could be done by MSPs to use local newspapers to develop existing readership interest in the Scottish Parliament.

139. The most powerful political focus for many Scottish people is one rooted in local issues. The creation and consideration of petitions and Members' Business in the Chamber on Wednesday and Thursday afternoons after Decision Time was a reflection of the conviction that the focus on local issues is important in itself, but is also a way to draw people increasingly into a fuller consciousness of national politics.

140. Paul Holleran also pointed to the potential advantage of the Parliament's 'outreach' effort extending to journalism courses, as a way of enhancing mutual understanding between journalists and the Parliament.

141. There was evidence of some, perhaps unavoidable, tension between the Parliamentary timetable and that of some parts of the media. The BBC thought that having committees meeting on Wednesdays and Thursdays might mean more committee coverage for programmes which broadcast then. The Scottish Daily Newspaper Society pointed out that a mid-day Decision Time would benefit reporting in evening newspapers.

142. There are likely to be continuing limits to the degree to which the Parliament's timetable is able to accommodate such pressures. The Committee is undertaking separate work on the Parliamentary timetable as a whole and will bear this evidence in mind.

143. The "surrogate gallery" broadcasting concept (see paragraph 132) appears to have worked reasonably well. The Parliament's Broadcasting Office has
noted that: “We have the most liberal rules of coverage in the world. It is very positive that we can film the public gallery, as doing so shows that we have a live Parliament and that people come to watch its proceedings.”

144. The BBC, in its written and oral evidence, stressed the importance of this technique in making the viewers' experience of the Parliament lively and interesting. The BBC sought to maintain the momentum on this point, and a reciprocal willingness was shown on the part of the Broadcasting Office to engage with the issue.

145. We attach great importance to a broadcasting policy which results in a stimulating, interesting and accurate portrayal of work in the Chamber and committee rooms. We anticipate that the proposed Parliament - Media working group will assist in maintaining and developing that policy.

146. Kenny Farquharson was concerned over the arrangements for the "accreditation" of journalists, designed to ensure that journalists having access to the Parliament were bona fide, and not paid lobbyists for example; and adherence to a journalists' code of conduct set out in the CSG Supplementary Report.

147. The representative of the Parliament's Media Relations Office (MRO) present assured the committee that the code of conduct applies to journalists signing up for accreditation. Journalists who request periodic access are not required to sign up to the code on each occasion. A day pass is issued in those circumstances by the MRO because the officials of the MRO will know that the journalist is representing a bona fide organisation.

148. Robbie Dinwoodie expressed his fear that: "... the Parliament has diverged increasingly from CSG principles and that it is being squeezed by the ever-stronger grip of party imperatives. The Parliament must find ways to make its distinctive position heard over that of the Executive. Whatever the risks and doubts, journalists remain your best hope of getting that position through to the public."

149. Mr Dinwoodie suggested how this could begin to be achieved: "... the Parliament must do its own thing. It is uncommon for committees to hold press sessions. That has been done, but I do not recall the conveners liaison group asking the press to talk to it... I do not think that the Presiding Officer Team meets the media regularly... Different levels of the Parliament ... could find ways of engaging directly with the media. That would assert the Parliament's part as a pillar, alongside the Executive."

150. We reject the criticism that the Parliament is 'diverging increasingly' from the CSG principles. The liberal access rules within which the media operate are themselves evidence of the Parliament’s commitment to the CSG principles, and the very fact of this inquiry clearly demonstrates the Parliament’s ongoing commitment to the principles.

151. However, we consider that the ideas expressed by Mr Dinwoodie for engaging the press are interesting, and should be considered by the
Conveners' Group, individual committees and the Parliamentary authorities. We note, and welcome evidence that the Presiding Officer has been taking an active role in developing relations with the media.

152. We noted earlier the key importance of the media to the public and the Parliament in filtering Parliamentary news to the public. What we heard from Mr Dinwoodie was that the media’s effectiveness in doing so is impeded because they lack Parliamentary access on a number of levels. The expansion of such access naturally provides additional news opportunities for the media, while giving additional opportunities to the Parliament to initiate news.

153. During the exchanges with Mr Dinwoodie, we suggested that the relationship between politicians and journalists was frequently one of mistrust.

154. There remains of course a difficult balance to be struck between the educative, entertainment and commercial pressures on the media product, including its political coverage. We heard a reminder from Professor Schlesinger about how little broadcast reporting of the Parliament is done at popular television and radio scheduling times, and that political broadcasting may come under increasing pressure.

155. We consider that the Parliament must seize every opportunity to present itself in imaginative ways that will attract the public if it is to hold their interest, and it needs also to challenge the media, which has a clear interest, to collaborate in that project.

156. To enter into a challenging dialogue with the media will not guarantee the Parliament universally good media coverage. It will however demonstrate confidence in the role of the Parliament and the structures, such as committees, which enable it to do its job.

157. Tensions are unlikely to be dispelled completely between the press and the Parliament. A structured dialogue between the Parliament and the media on the arrangements for journalists here, and a more extensive and sophisticated engagement between the media and different bodies in the Parliament, might help ensure a balanced presentation of the Parliament to the people.

*Local Government-Parliament Covenant*

158. The representatives of local government made a substantial contribution to this inquiry. This contribution is reflected throughout the Report. Members of the Committee also held a meeting with COSLA representatives.

159. We recognise and welcome the fact that local government representatives showed a desire to grasp the opportunities of working closely with the Parliament on a partnership basis. We support the concept of a ‘covenant’ between the Parliament and local government, which is being taken forward by the Parliament’s Local Government Committee, and which is designed to provide a framework for continuing dialogue.
160. The 'concordat' has had a long gestation and has not yet been concluded. We have had no final document to consider. However, we hope that a final agreement will be reached in the fullness of time.

161. We agree with the draft covenant document circulated in April 2002 that Parliament, Executive and local Government have a shared responsibility to serve the Scottish people. If we are to do so effectively, we must ensure that the people understand the respective roles and responsibilities of all layers and institutions of government. We are not convinced that the differences are widely understood.

162. We consider that the 'covenant' could promote 'inclusiveness' generally. First, it could evolve into one of many 'gateways' for people to receive information about political life at all levels, to become better informed and to become involved directly, if they wish. Second, it might stimulate contacts between all committees of the Parliament and all local authorities and COSLA.

163. Finally we heard from Professor John Fairley and Dr Mark McAteer of the University of Strathclyde, and received a copy of the report, 'Devolution in Scotland: The Impact on Local Government', prepared by them and Michael Bennett, also of the University of Strathclyde. The report’s conclusion includes a welcome note:

"In the main, the research found that devolution had significantly improved matters by bringing national government closer, geographically, to local government. In addition to being physically closer to local government, the research found that the Scottish Executive was perceived as more open and willing to listen to local government than the Scotland Office had been before devolution. Moreover, the policy and legislative capacity that devolution brought created far greater opportunities to deal with Scotland's problems and opportunities."

Scottish Civic Forum

164. The Committee received a written submission from the SCF and took oral evidence on 15th January 2002 from the Forum's Director, Donald Reid, and from Jalal Chaudry, Eileen Francis, Lynn Raeside, Debbie Wilkie and Dr Ben Young.

165. The Forum described its function and essential nature as follows:

"The Scottish Civic Forum was set up, following the recommendations of the Consultative Steering Group, to facilitate the sharing of power between the Parliament and civic society. The Forum works to build links between civic society, the Parliament and the Executive, and to strengthen the ability of civil organisations to participate in the democratic process. The Forum itself is politically neutral: it records and conveys the diverse views of its members, and does not take a position itself except where policy bears directly on the ability of the wider public to participate in the political process."
166. In October 2001 the Scottish Executive, which provides the Forum with the lion's share of its funding, signed a concordat with it endorsing the 4 CSG principles of power sharing, accountability, access and participation, and equal opportunities. While the Executive supports the Forum in its role of facilitating participation in decision-making, and power-sharing between civic society and political institutions in Scotland, both the Executive and the Parliament have a direct responsibility to promote these objectives, as well as to work closely with the Forum.

167. The resources available to the Forum appear to be small in relation to the role which it is meant to fulfil, and we wonder whether it has the capacity to achieve what it has been charged with delivering. As the Forum has been established to assist in the development of a more participative democracy, and as this in turn is central to the objectives of this Parliament, especially in its early and formative years, we consider the weakness of the Forum to be a matter of real concern to the Parliament.
EQUAL OPPORTUNITIES

"The Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all."

168. Kate Maclean MSP, Convener of the Equal Opportunities Committee provided a memorandum on behalf of her Committee, and gave oral evidence twice to us on relevant matters.

169. The CSG provided both a clear commitment to and model - 'mainstreaming' - for the application of equal opportunities in the Parliament:

"Our fourth key principle is that the Scottish Parliament should recognise the need to allow equal opportunities for all. Equal opportunities should be mainstreamed into the work of the Parliament, and through the demands of and scrutiny by the Parliament, into the work of the Executive. Mainstreaming has been defined by the Equal Opportunities Commission as the interpretation of equal opportunities into all policy development, legislation, implementation, evaluation and review practices (see Annex H)."

170. The responsibility for equal opportunities was seen as resting with individual MSPs and Parliamentary officials. Appropriate training opportunities were envisaged as being made available.

171. The role of the Equal Opportunities Committee was 'to act as a catalyst to ensure that 'mainstreaming' in Parliament, and its constituent bodies, was introduced.

172. 'Mainstreaming' was seen as the vector for carrying equal opportunities into all parts and activities of the Parliament, and avoiding the 'add on' approach:

"... the EOC [Equal Opportunities Commission] view of effective 'Mainstreaming'... requires:

determination to pursue equality of opportunity and outcome through all policy development, practices, legislation and implementation.

commitment to scrutinise before adoption all legislation and its implementation to identify potential for discrimination

commitment in all legislation and its implementation to promote equal opportunities in the relevant areas and to redress inequality and/or differential impact

an effective mechanism to gather data, evaluation and monitor all services; and a commitment, where there is evidence of inequality and/or differential impact, to assess what changes are required to achieve greater equality and, where possible, to implement these."
173. The 'family friendly' policy promoted by CSG, which helped determine the 'sitting hours' of the Parliament, emerged from the CSG's awareness of, and drive for, equal opportunities.

174. 'Equal opportunities' includes gender, age, ethnicity, religion, language and disability areas; and, generally, the elimination of any activity, action or element which prevents people from participating fully in the Parliament. In our view, it is a necessary precondition to adequate general access and participation to the Parliament.

*Equal Opportunities in the Parliament*

175. MORI Scotland surveyed MSPs on the equal opportunities performance of the Parliament to date. The views of members are summarised in the following table, which shows that they had concerns in two specific areas, numbered 6 and 7 in the table.
Thinking about the principle of equal opportunities, how successful do you think Parliament has been in meeting the following objectives?

<table>
<thead>
<tr>
<th></th>
<th>Satisfied</th>
<th>Dissatisfied</th>
<th>Net</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Parliamentary proceedings being conducted in clear and simple language.</td>
<td>56</td>
<td>13</td>
</tr>
<tr>
<td>2</td>
<td>The sitting pattern of the Parliament being family friendly.</td>
<td>55</td>
<td>14</td>
</tr>
<tr>
<td>3</td>
<td>The Parliament has made progress in promoting equal opportunities.</td>
<td>46</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>The Parliament has encouraged excluded groups to participate in the political process.</td>
<td>46</td>
<td>15</td>
</tr>
<tr>
<td>5</td>
<td>Committees taking equality issues into account.</td>
<td>39</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Producing information in other formats (e.g. languages other than English, Braille)</td>
<td>23</td>
<td>27</td>
</tr>
<tr>
<td>7</td>
<td>Proceedings taking account of the views of excluded groups.</td>
<td>23</td>
<td>29</td>
</tr>
</tbody>
</table>

176. We have already commented on the attention which the SPCB has given to creating a language policy for the Parliament. We anticipate that the progress made in finalising a policy will satisfy the concerns identified in point six in the above table. We have already expressed an intention to inquire into the application of that policy in the future.

177. MORI Scotland's focus group work amongst the Scottish public, while qualitative and not statistically founded, appeared to show recognition of the more equally balanced gender profile of the Parliament, i.e. the number of men and women members.

178. The Committee received a considerable body of written evidence about equal opportunities matters, and also took oral evidence as follows: Convener and deputy convener of the Equal Opportunities Committee (2 October 2001); SPCB (20 November 2001); witnesses from the Disability Rights Commission, Commission for Racial Equality, West of Scotland Seniors Forum, Mental Welfare Commission for Scotland, Christian Action Research and Education for Scotland, Dr Wilson McLeod now of the Department of Celtic and Scottish Studies, the University of Edinburgh, Disabled Persons Housing Service, Equal Opportunities Commission, and the Equal Opportunities Committee again, (18 December 2001); Shona Simon, former Scottish Parliament Equal
Opportunities Development Adviser and relevant Parliamentary staff. (23 April 2002).

179. It is convenient to look at equal opportunities being 'mainstreamed' in the Parliament in 2 ways: by the Scottish Parliamentary Corporate Body (SPCB) as the employer of the Parliament's staff and a provider of services; and by the Parliament in its core legislative and other business. These are considered in turn.

180. On the first aspect the initial written evidence we received from the SPCB stressed its commitment to equal opportunities. This was followed up by the SPCB with a draft Equality Framework document which was sent to us. These papers are included in our volume of evidence.

181. The Framework document, developed for the Parliament by the SPCB with the key assistance of Shona Simon, an external, expert adviser, is a thoroughly comprehensive document covering such issues and areas as: equal opportunities policy; treatment of staff at work; dignity at work; complaints; service provision; equality indicators; employment of people with disabilities; guidance for staff and managers; and monitoring. The Framework included an action plan, with recommendations. One recommendation was that the Parliament should appoint an Equalities Manager, and this was done in time for us to take evidence from the individual appointed.

182. We note from the Framework document that, while the SPCB is not the employer of MSPs, and it cannot therefore apply its equal opportunities policy to members directly, the Members' Code of Conduct sets out consistent guidance for MSPs in their dealings in the Parliament.

183. In a subsequent memorandum to the Committee, Parliamentary staff suggested that a number of benefits would flow from implementing the Framework. The Framework would:

"enhance access to the Parliament and its processes by the people of Scotland, in particular those who may currently see themselves as disenfranchised.

assist in attracting and retaining good staff to the Parliament in a 'tight' labour market.

increase productivity if staff feel safe and secure.

deliver lower absence levels and a reduction of stress by setting our clear channels to communicate concerns and provide appropriate support mechanisms.

boost trust and confidence in the employment relationship.

ensure the provision of appropriate advice to the SPCB, Senior Management Team [of the Parliament] and others in relation to equality and diversity issues."
put the Scottish Parliament at the forefront of good practice in the equality field."

184. We heard from Shona Simon on 23rd April 2002 that the Framework was designed to develop over time, and that it contained an action plan and monitoring policy as integral parts. The plan is particularly valuable in that it anticipates future legal developments which will be required by European equality directives. Ms. Simon stressed in her evidence that the Framework document would need to be kept under constant review, and would require a continuing high-level focus on equality issues.

185. The involvement of outside bodies such as the Equal Opportunities Commission, the Commission for Racial Equality, the Disability Rights Commission, Equality Network, and Outright Scotland in the creation of the Framework helps to provide assurance that it embodies a well-founded and practical approach which commands wide credibility.

186. Careful thought will need to be given in the Framework document to the form and content of subsequent equal opportunities documentation which emerges as a result of working through the framework priorities. Such material will need to be attractive and relevant if it is to make a positive impression on the target audiences.

187. We note that pending legal changes make it all the more important to provide training to staff and MSPs on how to comply with legal obligations arising from the various strands of equal opportunities legislation.

188. Considerable effort has been made in the Framework document to identify MSPs' legal obligations in employment matters. The level of awareness among members of the need for equal opportunities training has remained low however.

189. We welcome the view expressed by Shona Simon that the Framework, if implemented fully, will place the Scottish Parliament in the 'forefront of good equality practice as an employer and service provider'; and that the Equalities Manager alluded to areas in which the Framework would be applied as a priority: equal opportunities training for Parliament's staff; SPCB legal compliance; and equality in procurement matters.

190. We agree that the Framework should be applied in these areas as a priority. We expect to see them reflected in the Chief Executive's report on equal opportunities, and we hope that the profile of the Framework will be raised as a result.

191. One way of understanding the importance of equal opportunities' matters and their relevance to the work of the Parliament and its staff is to keep in mind the close relationship between equal opportunities and the drive by the Parliament generally to widen and deepen participation by people inside and outside the Parliament in its work.
192. We see understanding of, and action on, both *internal* equal opportunity issues such as dignity at work, and *external* issues, for example, linguistic diversity, as two aspects of a single drive to enlarge the relevance of the Parliament to the people. We believe that to implement this principle half-heartedly would be to risk undermining the participative ethos of the Parliament, something that is fundamental to devolution itself.

193. *The second aspect of equal opportunities is mainstreaming equal opportunities and its application in the core business of the Parliament.*

194. The Equal Opportunities Committee submitted a memorandum to us. Kate Maclean MSP, Convener of that committee, expanded on this in evidence to us on 2 October and 18 December 2001 in discussing the committee’s mode of operation, the issues before it and its position on a number of points.

195. The committee’s memorandum explained that a research contract had been let to identify mainstreaming techniques which would be appropriate for committees of the Parliament.

196. While this work was proceeding the committee had drawn up an ‘equalities checklist’ as a minimum standard for any Parliamentary body considering any policy or legislative issue. The key questions to be asked by such a body were:

- What and who is the policy for, and what are the desired anticipated outcomes?
- What will the impact on equalities groups be? Do we have full information and date?
- Has the full range of options and their different impacts on all equality groups been presented?
- Have the direct and indirect effects of the proposals been taken into account?
- How have the policy makers demonstrated they have mainstreamed equality?
- How will the policy be monitored and evaluated? How will improved awareness of equality implications be demonstrated?"

197. Kate Maclean reported her impression that many committees were awaiting the substantive guidelines, and while not resisting action, were ‘not taking [the checklist] on board as much as they could.’

198. In June 2002, the Equal Opportunities Committee wrote to all other committees noting that three draft equality guidelines had been identified as a result of the research work mentioned previously, covering the ‘Primary Legislation process’, ‘Information base’, and ‘Consultation’ and monitoring.
199. We understand that the Equal Opportunities Committee is considering responses to the draft guidelines prior to publishing a report with firm recommendations later in the year for debate in the Chamber.

200. Kate Maclean explained that the breadth of the committee's remit necessitated prioritisation: four committee reporters had been appointed to cover race (also religious beliefs), gender, disability and sexual orientation.

201. The field of equal opportunities is enormous, and the manner in which the Equal Opportunities Committee prioritises its work is rightly a matter for it. We heard that race and sexual orientation had predominated in the first two years of the committee's activities, and that the issues of gender and disability were being prioritised currently.

202. We consider that the Equal Opportunities Committee has a responsive attitude that enables it to sensitise its work programme to concerns raised with it. We do not agree that the existence of reporters for specific areas limits the scope of the committee, as was suggested by one witness.

203. The Equal Opportunities Committee considers itself as a 'catalyst' for the work of other committees on equal opportunities. It does not see itself as a 'watchdog of the Parliament' or as policing the position of other committees. However, Kate Maclean thought that this was how the committee's role had been perceived.

204. There seem to be parallels between the way this committee works and the Public Petitions Committee.

205. Both committees rely upon other committees for the delivery of key parts of the work for which they are the 'flag holders'. The Equal Opportunities Committee and the Public Petitions Committee have certain responsibilities, but the expertise and responsibility of other committees need to be brought into play in order to achieve goals and maximise impact in those areas. Any tendency to restrict the work of equal opportunities or petitions within a single committee would appear to be unhelpful.

206. Kate Maclean stressed the importance of ensuring that equal opportunity requirements are spelled out in legislation; that the Equal Opportunities Committee had a major role in this process; and that not all legislation yet reflects the requirements, even although the Policy memoranda accompanying Bills frequently did include sections on equal opportunities. She noted the work of the Finance Committee on gender issues in the Scottish Budget. She also recognised the commitment of the Scottish Executive to equal opportunities.

207. Kate Maclean also drew attention to the co-operation between the Equal Opportunities Committee and external equal opportunities bodies in considering and proposing amendments to legislation. She also outlined the magnitude of the committee's task in considering all Bills from an equal opportunities standpoint, and its work in reporting to lead committees.
208. The Equal Opportunities Committee feels that it does not have enough time to consider legislation. It acts as a secondary committee, and has to report quickly, to meet the deadlines of lead committees. It considers that it does not have enough time to consider committee amendments to Bills, and it often relies on external bodies for those amendments which it does lodge to Bills. The Committee’s view is that subject committees should take more of a hand in equality proofing legislation.

209. Kate Maclean advised that the Equality Unit of the Scottish Administration was responsible for equality proofing (Executive) legislation. We agree that the fact that the committee is having to lodge amendments ‘time after time’ is a matter for concern.

210. We note the evidence of the Equal Opportunities Committee convener that time constraints cause grave difficulties in giving what is, in her view, adequate consideration to legislation.

211. We commend the committee’s intention to balance relations with the major external equal opportunities players with the "grass roots, community-based organisations" It holds a large database of organisations from whom it takes evidence.

212. Innovative work by the Equal Opportunities Committee included a race relations event held on 14 September 2001 on the Race Relations Acts and attended by over 100 people from ethnic minorities, and an inquiry into Gypsy Travellers and public sector policies.

213. The route of co-option to committees is blocked currently, and Kate Maclean alluded to the difficulty that poses for unrepresented and under-represented groups.

214. The Equal Opportunities Committee and the SPCB work together closely on equal opportunities matters. For example, the convener was involved in the appointment of Shona Simon as an external adviser to assist in drawing up the Framework Document.

215. On the occasion of Kate Maclean's second appearance, she reported that the research commissioned by the committee from Sheffield Hallam University and the University of Strathclyde had noted the Scottish Parliament's 'leading edge' position amongst parliaments in mainstreaming equality. Kate Maclean drew the conclusion that the Scottish Parliament is, "... good, but ... only good as measured against a very low standard." To agree with this judgement is not to deny the excellent progress which has been made, but simply to point to it as the rationale for maintaining the present pace of effort.

216. As noted earlier, the Committee heard from a number of equal opportunities bodies. Many of these comments concern consultation and legislation. These matters are dealt with elsewhere in this Report.
External evidence

217. Generally there was a recognition amongst most bodies who gave evidence to us of the work done to support equal opportunities by the Parliament.

218. There were a number of specific points.

219. The Equal Opportunities Commission stressed the need for: child care facilities in Holyrood (which we understand will happen); training for MSPs to improve appreciation of the Parliament's equal opportunities' policies; committee mainstreaming of equal opportunities when considering policy issues and legislation; equality plans for each committee; the creation of an "expert panel" on equality analysis of the Scottish Budget; equal opportunities in the Parliament's procurement policies and practices; and effective monitoring.

220. The Commission for Racial Equality looked forward to: a consistent system for committees on equality proofing of legislation and policy development; good monitoring of race equality; improved consultation mechanisms; regular assessment of equal opportunities, and an annual report on the promotion of equality.

221. The Royal National Institute for Deaf People was unaware of any: "... deaf awareness training to date undertaken by any member of [the] Parliament and their staff."

222. Amongst a number of points, the Disability Rights Commission thought that committees should have a reporter on equality issues.

223. We noted in the previous section of the report (Access and Participation) the development of a Parliamentary languages policy based on linguistic diversity and English as the normal language of use in the Parliament.

224. Dr Wilson McLeod of the University of Edinburgh made a number of points about Gaelic to us. The Parliament's increased complement of Gaelic officers and the proposal that incoming correspondence to the Parliament should be conducted in the originator's language, appears to us to be in line with Dr McLeod's submission.

225. It was noted by the Disabled Persons Housing Service representative, Wladyslaw Mejka, that the task of working equal opportunities awareness and habits fully into governance business was likely to take 'decades'; and that there was a perception that equal opportunities was not mentioned in the Parliament as a matter of course. We think these are valuable perceptions which help buttress Kate Maclean's view of where equal opportunities lies presently in the Parliament, and to place in context the achievements to date.

226. Dharmendra Kanani of the Commission for Racial Equality thought that each committee should have an equal opportunities 'champion'; and Angela O'Hagan of the Equal Opportunities Commission and Bob Benson of the
Disability Rights Commission (DRC) stressed the importance of research in various aspects of equal opportunities.

227. Equal opportunities is a matter that is reserved to the Westminster Parliament as set out in Schedule 5 of the 1998 Act. The encouragement of equal opportunities and the observance of equal opportunities is specifically excepted from that reservation however. Bob Benson of the Disability Rights Commission highlighted the need for a greater understanding of the scope provided by Schedule 5 if the "application of equal opportunities is to be comprehensively realised," and pointed out that this had provided the grounds for encouraging the inclusion of relevant provisions in legislation.

228. We are impressed by the scale of activity on equal opportunities matters in the first session of the Parliament, and we make the following points about future progress.

229. The work to provide equal opportunities guidelines for committees by the Equal Opportunities Committee is likely to bring a consistency of approach to these matters.

230. We agree with the Equal Opportunities Commission and the Disability Rights Commission (DRC) about the importance of research in many aspects of equal opportunities.

231. The Disabled Persons Housing Service's view of the long effort likely to be required to implement equal opportunities may be realistic. It suggests, and we agree, that the Equal Opportunities Committee will be an essential part of the mainstreaming effort for the foreseeable future.

232. Committees' Annual Reports should cover any relevant equal opportunities activities undertaken in the course of the year.

233. The SPCB considered the provision of services for the deaf and hard of hearing on 30 October 2001 when it adopted the following main recommendations: that deaf signers/lip speakers be provided for plenary debates and committee meetings on demand, subject to availability and adequate notice; that provision be automatic for debates and meetings dealing with any disability issues; that a local rate Textphone number be established; that MSPs should be notified that training/resources were available for deaf related issues. The Equalities Manager of the Parliament is in regular contact with the Scottish Council on Deafness about these matters.