The Committee will meet at 10.00 am in Committee Room 2.

1. **Committee Awayday**: The Convener will invite members to comment on the Committee’s awayday on 25 August and to endorse the preliminary decision taken to seek a debate on the previous Committee’s report on the founding principles of the Parliament (3rd Report, 2003 (Session 1)).

2. **Oral questions in the Chamber**: The Committee will consider a written submission by the Scottish Council for Voluntary Organisations and an issues paper by the Clerk, and consider possible witnesses to be invited to give oral evidence.

3. **First Minister’s Question Time – leak inquiry**: The Committee will consider what action to take in relation to the unauthorised disclosure of information about the draft Report on *First Minister’s Question Time* and minor standing order changes.

4. **Scottish Civic Forum**: The Committee will consider a letter to the Convener from the Director of the Scottish Civic Forum inviting the Committee to participate in a Forum meeting in November.

Andrew Mylne  
Clerk to the Committee  
Room 5.19 PHQ  
Ext 85175  
andrew.mylne@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda item 1**
Committee awayday (note by the Senior Assistant Clerk)  
PR/S2/03/4/1

Work undertaken by the previous Committee  
(note by the Assistant Clerk)  
PR/S2/03/4/2

Executive response to the previous committee’s report on *The Founding Principles of the Scottish Parliament* (with covering letter from the Minister for Parliamentary Business)  
PR/S2/03/4/3

**Agenda item 2**
Issues paper (note by the Clerk)  
PR/S2/03/4/4

Note on possible witnesses  
(note by the Clerk)  
PR/S2/03/4/5

Submission by Scottish Council for Voluntary Organisations  
PR/S2/03/4/6

Letter from Presiding Officer to Convener dated 21 July 2003  
PR/S2/03/4/7

**Agenda item 3**
Draft Report on alleged leak.  
PR/S2/03/4/8

**Agenda item 4**
Correspondence between the Convener and the Director of the Scottish Civic Forum (together with the Forum’s Civic Participation Charter.)  
PR/S2/03/4/9

The following papers are attached for information:

Executive’s response to the Committee’s report on FMQT and minor standing order changes.  
PR/S2/03/4/10

Minutes of the last meeting  
PR/S2/03/3/M
AWAY DAY – SUMMARY NOTE BY THE CLERK

25 August 2003, Prestonfield House, Edinburgh

1. Presentation by Ken Hughes, Head of Chamber Office

In response to a request from the Committee, Ken Hughes provided an overview of the roles and responsibilities of the SPCB, the Conveners Group, the Parliamentary Bureau and the Presiding Officer.

He noted that there were no clear limits on the remit of the Procedures Committee, but that it would need to involve and consult these other Parliamentary bodies on matters of mutual interest. The Presiding Officer had formal responsibility for interpretation of the standing orders, but it was for the committee to propose changes. The Bureau’s primary role was to propose business for the Chamber, with the business managers acting as indicators of opinion within their parties; but the Bureau was accountable to the Parliament, by seeking endorsement to Bureau motions. The SPCB’s role was less political, which had caused problems when it was asked to decide priorities for allocating NEBU resources to competing proposals for non-Executive Bills – something which directly affected the political prospects of those proposals.

A good example of co-operative working was the constitution in standing orders of the Conveners’ Group, which had been meeting informally (as the Conveners’ Liaison Group) since early in the Session 1. The Group was constituted following discussions between the SPCB and the Bureau, which together reported to the Procedures Committee which in turn reported to the Parliament. Under the new standing orders agreed through this process, a primary role was as a source of advice to the Bureau, although its remit was still evolving. The proposal that the First Minister could appear before the Group twice a year to answer questions, if agreed to, would extend its role.

2. Presentation by Ken Macintosh MSP, former Deputy Convener of the Procedures Committee

Ken Macintosh summarised the main findings of the previous Procedures Committee’s inquiry into the founding principles of the Scottish Parliament and gave an insight into how the inquiry had been conducted. He acknowledged that, in retrospect and given the wide remit, it may have been better to have taken a less exhaustive approach to the evidence sought. Even so, he said, the Committee had neglected to consider the extent to which procedures and practices developed in Session 1 were a product of the four-party system then prevailing. The committee had not pursued its initial idea of ending the inquiry with very detailed recommendations for change; instead it had concentrated on the big picture, making general recommendations and highlighting areas of concern.

In general, he said that the four founding principles had established their general applicability (despite some arguments about contradictions between
them). But they should not be regarded as set in stone and might still need to be adapted in the light of experience.

The Parliament had been more successful in implementing some of the principles than others. On access and participation, the Parliament scored highly, with almost universal acceptance of the principle of widespread engagement. But while the pressure groups and well-connected individuals had learned how to get their views across, there was still a lot of work to do in relation to those from disadvantaged communities. On equal opportunities, the Parliament was doing well in its internal procedures for example, but perhaps not so well in the area of MSPs as employers. The report cautioned against the Parliament being too reliant upon the Equal Opportunities Committee to police all areas and recommended that each committee of the Parliament should appoint an equal opportunities champion.

One of the differences in views amongst the then Committee members related to the principle of accountability, with Executive and opposition members disagreeing about the extent to which the Parliament had succeeded in holding the Executive to account for its performance. The Committee had discussed how to give greater recognition to backbench interests but rejected a proposal to set up a backbench committee, concluding that backbenchers’ concerns could be better addressed by making improvements in specific areas such as the timetabling of bills and debates.

Power sharing was the principle that had proved most difficult to put into practice. Many of the expectations of the CSG had been based on the assumption that the Parliament was to operate according to a model of “participative democracy”, when the system laid down by the Scotland Act was in fact Westminster-style representative democracy. To encourage more participation in the political process, the committee’s recommendations included allocating greater resources to the Public Petitions Committee, which enables members of the public to engage with the Parliament directly, and to the Parliament’s Education Service which did a very good job but was inevitably more accessible to those living close to Edinburgh.

3. Presentation by Barry K Winetrobe, commentator on constitutional issues

Barry Winetrobe provided the committee with an external perspective on the main findings of the CSG inquiry report, from his perspective as a self-employed consultant with more than 20 years’ experience in research services at the House of Commons and in the Scottish Parliament and also having given evidence to the inquiry.

For him, the very existence of the founding principles was more important than their content – they gave a sense of purpose and a context for the Parliament’s work that most other legislatures lacked. He was conscious, however, that the original CSG report was open to criticism, particularly for its apparent lack of awareness of how party politics would influence the Parliament’s operation. The over-hyped idea of a new style of “consensus
politics” was shown to be naïve very quickly, and had thus contributed to the sense of disillusionment that followed.

Four key themes were identified in the report:
- an emphasis on participation;
- the need for better communications (between the Parliament and the public, and between different power centres in Scotland);
- the development of “governance partnerships”;
- the need for fuller inclusiveness (going beyond the “usual suspects”).

The principles of access and participation and equal opportunities were seen as necessary prerequisites for the achievement of power-sharing, with the aim of replacing a vicious cycle of public ignorance – public disengagement – public criticism with a virtuous cycle of public awareness – public understanding – public engagement – public support. Direct engagement with the Parliament was most likely to foster such support – “engagement” being preferable to “outreach” as a term since it suggested a two-way process.

The Parliament should act as a forum in which the three governance partners (Parliament, Executive and the people) could come together, with the Parliament itself serving as a bridge between the Executive and the public. The report acknowledged the potential for conflict between the competing models of “representative” and “participative” democracy, between “party politics” and co-operative working, between front benchers and back benchers, between core business (Parliament and committee business) and other activities, and between plenary and committee work. Such frictions are a proper part of the functioning of a Parliament and ultimately more important than business efficiency – e.g. it is better to scrutinise a Bill properly even if this means departing from the timetable considered necessary for most effective delivery of the policy.

One of the report’s most important conclusions was that the Parliament should take control of its own procedures, which are still constrained by the Scotland Act. The role of MSPs as “ambassadors of the Parliament” was also emphasised with the new session providing an opportunity to experiment, using the CSG inquiry report as a “route map”. The risk was instead that innovation in working methods would be sacrificed in the interests of delivery. The new committee could contribute to raising public awareness and engagement with the Parliament by, before any debate in the Parliament on the report, publishing a summary of the Founding Principles. Longer term a comprehensive handbook containing standing orders, guidance, concordats/agreements, PO rulings etc would be useful.

On accountability, the Parliament should not allow the Executive to determine the extent to which it may question ministers, as happened during the SQA inquiry. MSPs’ accountability more widely to the public should not be confined to the time of elections, although there is not support for producing a “job description” as such for MSPs. Finally, it should be borne in mind that the Parliament ultimately belongs to the people of Scotland, rather than just to its members, the Executive, political parties or parliamentary staff.
4. Discussion session with Ken Macintosh and Barry Winetrobe

Bruce Crawford noted that any attempt by the Parliament to gain full control of its procedures was likely to be difficult politically. Ken Macintosh agreed that there was potential for conflict but that the Parliament may wish to re-examine fundamentally some of the procedures inherited from Westminster, such as those relating to parliamentary questions.

Cathie Craigie expressed concern about the number of written questions lodged by members, but felt that any attempt to impose limits was likely to encounter resistance. Bruce Crawford shared her concerns about the use of resources and suggested that the number of written questions could be reduced by allowing opposition members greater access to Executive officials. Barry Winetrobe said that the problem with that was that it had been assumed, from the time of the devolution White Paper onwards, that the Parliament’s relationship to the Executive would mirror that of Westminster to Whitehall.

Jamie McGrigor asked whether the previous Procedures Committee had considered the advisability of introducing different kinds of question time, such as a ministerial question time. Ken Macintosh said it had, but that it could not agree specific recommendations on the issue. The idea of “themed” Question Times had also been discussed and a lack of topicality had been identified as the main potential drawback.

5. The way forward

The Committee then discussed the way in which any debate on the previous Committee’s report would best be handled. There were inherent difficulties involved in the current Committee leading a debate on such a major item of work in which none of its members had been directly involved; but nor would it be straightforward for the new Committee to “adopt” the Report as its own. The underlying question was how the new Committee wanted to take forwards the huge amount of work involved in the Report. One approach would be to address specific issues through a series of discrete inquiries; another would be to conduct a more fundamental review of the underlying procedural approach – i.e. piecemeal reforms or philosophical review.

The most obvious approach was to seek a debate on the basis of a “take note” motion. By avoiding any specific call for action that might be politically contentious, this would enable a general discussion to take place, with members across the Chamber able to express their views on the whole range of issues raised in the report. This could usefully inform what follow-up work might be undertaken by the Procedures Committee or by other bodies within the Parliament. An alternative was for the Committee to use the debate to seek the Parliament’s endorsement of its priorities in taking forward aspects of the report. But after discussion it was acknowledged that this approach might be seen as the Parliament effectively approving a work programme for the Committee, which might establish an undesirable precedent.
After further discussion, the Committee agreed to seek a slot for a debate on the Report, probably on the basis of a “take note” motion. The idea was for members of the present and previous Committees to take a “back seat” in the debate in order to enable as many backbenchers as possible to take part. The Convener would write to all MSPs in advance to encourage them to speak, attaching an accessible summary of the Report’s recommendations. In the meantime, the Bureau, the Corporate Body and the Conveners’ Group would be asked to provide a note of what consideration they had so far given to the recommendations directed at them, but the debate would not be deferred until full responses had been received from these bodies. It was noted that it might be possible for an early slot in the Chamber to be allocated for this debate.

It was agreed that a note summarising the work undertaken by the previous Procedures Committee would be useful.

The Committee noted the correspondence between the Presiding Officer and the Convener on the subject of non-Executive Bills and agreed that there were a number of issues arising from it that would require careful consideration. An inquiry on the subject would probably have to run in parallel with the inquiry into oral questioning procedures. It was noted that the Committee was due to consider its forward work programme again during the autumn.
1. **1st Report, 1999: Draft Standing Orders of the Scottish Parliament.** The Committee proposed that, when the Parliament adopted the Standing Orders (hitherto contained in a statutory instrument under the Scotland Act) as its own, it should make various changes to them. These included changes on the following main topics: the replacement of Open Question Time with FMQT; enabling meetings of the Parliament to continue later on Wednesdays; the PO’s power to suspend meetings; deadlines for answering written questions during recess; temporary Conveners of committees; divisions on amendments to Bills; the inadmissibility of questions referring to issues *sub judice*; to enable petitions to be submitted during recesses; to alter the deadlines in relation to Financial Resolutions; to alter the power to suspend Standing Orders; and to extend the remits of the Finance and the Subordinate Legislation Committees. The Report also made recommendations not involving standing order changes on the timing of Decision Time; speaking in debates; notice of motions and amendments; ministerial statements and written questions.

2. **1st Report, 2000: Preliminary Report into the Volume of Written Parliamentary Questions and the Scottish Executive’s Speed of Response.** The Procedures Committee received representations from two Members about the volume of written PQs and the speed of response to such questions achieved by the Scottish Executive. The Committee was clear that the written questioning process is a vital part of the accountability structure and it agreed that any inquiry should be based upon consensus between the Parliament and the Executive. In this preliminary report, the Committee put in place an agreement between the Parliament and the Executive to monitor the volume of written questions and the Executive’s speed of response. The Committee hoped that the provision, in the Written Answers Report, of detailed statistics gleaned from this monitoring practice would inform its discussions when it returns to this issue at a later date (see 2nd Report, 2001).

3. **2nd Report, 2000: Private Legislation in the Scottish Parliament.** The Committee decided that the Parliament required a distinct set of Rules to govern the procedures in relation to private legislation. The Committee’s inquiry was partly based on work undertaken by a working group of officials and this report proposed the required Standing Order changes. The Committee committed itself to review the new procedures for private legislation and the Parliament’s legislative arrangements as a whole by 2004, when more experience has been gained (this is also noted in the Committee’s Founding Principles report).

4. **3rd Report, 2000: Changes to the Standing Orders of the Scottish Parliament.** The Committee recommended two changes to Standing Orders: the
widening of the remit of the Subordinate Legislation Committee allowed the SLC to consider all provisions to confer powers of a general legislative nature on Ministers, whether or not cast in a recognised legislative form, and an increase in the upper time limit for Members' Business from 30 to 45 minutes to enable more members to participate if required.

2001

5. 1st Report, 2001: Changes to Chapters 9 and 9A of the Standing Orders of the Scottish Parliament. This report comprises a large number of detailed changes to Standing Orders relating to the legislative process for both Public Bills (Chapter 9) and Private Bills (Chapter 9A). The main changes relate to the timescales for lodging amendments to Bills, intervals between stages of Bills and Financial Resolutions.

6. 2nd Report, 2001: Report into the Volume of Written Parliamentary Questions and the Scottish Executive’s Speed of Response, and Related Matters. This report, the Committee’s second on parliamentary questions, built on the Committee’s 1st Report, 2000. The report proposed that the agreement put in place in the first report should continue and made recommendations about a number of other issues, for example, holding answers, parliamentary answers containing Executive policy announcements, and questions in the Parliamentary recesses. It also identified areas for future work by the Committee: Question Time; the costs of parliamentary questions; and handling parliamentary questions involving NDPBs. The Committee’s Founding Principles report further suggests that there is still some work to be done in the area of parliamentary questions and makes several recommendations to this extent.

7. 3rd Report, 2001: Changes to the Standing Orders of the Scottish Parliament. This report concerned minor changes to Standing Orders relating to three issues. Firstly, the Committee proposed that the Rules should be changed to allow amendments to be withdrawn, and to stipulate that amendments should fall where the motion they seek to amend has been withdrawn. Secondly, the Committee proposed that motions for Financial Resolutions (for both Public and Private Bills) should not be able to be amended, as otherwise the Rules could be seen to undermine the principle that the Executive has the exclusive right to propose to the Parliament expenditure and charging commitments with direct implications for the Scottish Consolidated Fund. Finally, the Committee proposed that the arrangements for the Scottish Commission for Public Audit (SCPA), as previously constituted in a transitional order, should be covered in the Standing Orders.


9. 5th Report, 2001: Changes to the Standing Orders of the Scottish Parliament. As with its 3rd Report 2001, the Committee’s 5th Report proposed a range of minor changes to Standing Orders. The following issues are covered: suspension and closure of committee meetings; joint consideration by sub-committees; removal of conveners; order of consideration at Stage 3; selection panels for appointments; and committees meeting when the Parliament is suspended.
10. **1st Report, 2002: Changes to the Standing Orders of the Scottish Parliament.** A further omnibus report containing various minor changes to Standing Orders. The report concerned the issue of the member in charge of a Bill, attendance and participation in committee proceedings on legislation, motions for Financial Resolutions, Budget Bills, and manuscript amendments at Stages 2 and 3.

11. **2nd Report, 2002: Substitution on Committees of the Scottish Parliament.** In this report, the Committee proposed a system of named substitutes for each committee be introduced. The Committee believed that this recommendation would enhance the functioning of committees by ensuring that a full complement of members would be present at all meetings, and that members would be able to gain wider experience of issues across various committees. Substitutions would only be permitted under certain circumstances such as urgent constituency business or illness of a member. The Committee further recommended that the system of substitutions should be reviewed after one year.


13. **4th Report, 2002: Changes to the Standing Orders concerning the Scottish Parliamentary Standards Commissioner, European Committee remit, Private Legislation, Temporary Conveners and the Journal of the Scottish Parliament.** This report covered various issues and proposed minor changes to Standing orders. It recommended that, as a consequence of the Scottish Parliamentary Standards Commissioner Act, a new Chapter 3A be inserted in the Standing Orders to deal with such matters as the appointment and removal of the Commissioner. It also recommended widening the European Committee remit to include external affairs responsibilities, thus allowing it to provide appropriate scrutiny of the Executive’s European and External Affairs portfolio. Minor changes were recommended to the Rules on private legislation. The Rules were amended to allow committees to elect a Temporary Convener where both the Convener and the deputy Convener are not available. In relation to the Journal of the Scottish Parliament – the authoritative long-term record of the Parliament’s activities – the Committee proposed minor changes to the Rules providing greater clarification.

14. **5th Report, 2002: Report on Constituting the Conveners’ Group.** The Conveners’ Group has met on a regular basis since its inception in 1999 and has a central role in promoting committee best practice, in addition to exercising specific administrative functions. The Committee agreed that the Group should be officially constituted in the Standing Orders and that its role should pay particular reference to providing views to the Parliamentary Bureau on issues of committee competence and on joint consideration by committees. The Committee also felt it was important that the Group should continue to work on a consensual basis and that production of an annual report would be an aid to its accountability.

15. **6th Report, 2002: Changes to Standing Orders concerning Written Parliamentary Questions and the languages of Public Petitions.** The
Committee heard from the Executive and the Chamber Desk that the deadline for providing answers to written questions sometimes caused difficulties during periods where days occur on which answers cannot be lodged, i.e. public holidays and days on which the office of the Clerk is closed. The Report recommended amending the Rules to take account of such days, and to extend the lodging period which would attract the 28 day deadline from 1 to 2 weeks immediately before recesses. This Report also recommended that, in line with the SPCB’s equal opportunities policy, petitions should be able to be submitted in any language, not just English.

16. 7th Report, 2002: A change to Standing Orders concerning the remit of the Audit Committee. The Committee agreed to extend the remit of the Audit Committee to allow it to consider and report on reports of the Auditor General for Scotland following any economy, efficiency and effectiveness examination.

2003

17. 1st Report, 2003: Changes to Standing Orders concerning legislative matters, motions and lodging written questions. This report is made up of a collection of minor changes to Standing Orders, a number of which were designed to facilitate Parliamentary business in the run up to the dissolution of the Parliament in March 2003. In particular the report takes account of outstanding motions and amendments at the end of a session as well as preventing written questions being lodged in the run up to dissolution.

18. 2nd Report, 2003: Elections to the Scottish Parliamentary Corporate Body. The Committee reviewed the procedures that were in place for the election of the Presiding Officers and the members of the SPCB. The Committee considered that the arrangements for the election of the Presiding Officers were satisfactory but thought that the procedures for the election of SPCB members required to be streamlined.

19. 3rd Report, 2003: The Founding Principles of the Scottish Parliament. The Committee began its active inquiry work on the Parliament’s founding principles in 2001. The Committee took evidence from the Presiding Officer, Scottish Executive, individual MSPs, petitioners and other interested organisations throughout 2001 and 2002, and received over 250 written submissions. In addition, members of the Committee held 3 public meetings across Scotland as part of its commitment to engaging with the people of Scotland. The Committee’s final report makes 135 recommendations covering a very wide range of procedural issues including: the way that the Parliament reaches out to interact with the public; relations with its key governance partners such as the Scottish Executive; and a range of more detailed matters of internal Parliamentary procedure. The report also maps out areas of future work which it considers should be given priority such as: legislative procedure, subordinate legislation, parliamentary questions, Sewel motions, the further implementation of equal opportunities in the Parliament, and specific recommendations to help develop procedural transparency.

REPORT ON FOUNDING PRINCIPLES OF THE SCOTTISH PARLIAMENT

I am writing to provide you with the Executive’s response to the previous Procedures Committee’s report on the Founding Principles of the Scottish Parliament. The detailed response is enclosed with this letter. In addition, it may be helpful to your Committee if I take this opportunity to set out briefly our overall perspective on these important issues.

Let me start by reiterating that Scottish Ministers are committed to working with the Parliament to ensure that the way in which we go about our work is increasingly and effectively underpinned by the CSG principles (or “the Parliament’s principles”, as the report’s final recommendation proposes that they should now be known). Those principles embody fundamental values that should characterise a modern, democratic system of governance. We therefore welcome the report as providing a necessary and timely assessment of their application in our young institutions.

It is helpful that the report has identified a range of good practice. At the same time, there is always room for improvement. The report rightly and helpfully examines how procedures could be enhanced further and its findings and recommendations provide a focus for efforts to that end. As our enclosed response illustrates, Scottish Ministers wish to play a full and constructive role, in partnership with the Parliament and wider civic society, in this endeavour.

We are also concerned, though, that in seeking continuous improvement in the operation of the devolved system of governance, the very real achievements of the past four years should not be overlooked. It is, perhaps, too easy to take those achievements for granted. For example, Scottish Ministers share the view, expressed by the outgoing Presiding Officer in the Parliament’s annual report, that “in a very short time we have become part and parcel of everyday life here in Scotland”. This is of enormous significance and a real achievement. Other achievements include the scope of
the legislation enacted by the Scottish Parliament and particularly the work of the Committees, as highlighted by the incoming Presiding Officer in the Parliament’s annual report.

The Executive’s view is that this record means that, contrary to the fears expressed in the CSG report, support for devolution *per se* is unlikely to evaporate. Recent research for the Electoral Commission found that levels of support for devolution remain stable. It is inconceivable that there would now be a serious desire to go back to the pre-devolution system of governance. However, the Executive does recognise a more general and serious risk of public disengagement and disillusionment from the political process. We believe that this cannot be attributed entirely or even mainly to procedural shortcomings: the negative slant of modern political debate and the talking down of achievements does little for the health of the political process. It is also fair to acknowledge that neither the Executive nor the Parliament has got everything right. Of course there have been problems, and of course things have gone wrong from time to time. We must all raise our game.

As part of that wider effort, we are eager to work together with the Committee and the Parliament as a whole to ensure that the CSG principles are reflected throughout our work. Indeed, as you know, immediately after the election the First Minister wrote to the new Presiding Officer with a number of proposals for enhancing the performance of the Parliament and developing confidence in it. Scottish Ministers generally attach importance to the suggestions put forward, for example, in respect of greater spontaneity and more time for backbench speeches. Essentially, our belief is that fuller and freer debate would underscore the credibility of the Parliament and the merits of devolution.

Other proposals, which focus on improving Parliamentary scrutiny of the Executive and the accountability of Scottish Ministers, were also put forward by the First Minister, including several measures that chime with the CSG report. For example, the Executive believes that accessibility and accountability would be enhanced by the proposal that more time should be made available for First Minister’s Questions and that it should take place before lunchtime on a Thursday. Likewise, as is made clear in the enclosed response, the First Minister is persuaded that it would be desirable for the Conveners’ Group to have a role in questioning him across the breadth of the Executive’s policies. I look forward to working with the Committee on its inquiry into Question Time. I know that your Committee has been considering how to take forward these and the various further areas of work identified in the report. We look forward to working closely and constructively with your Committee to progress this agenda during the current session. As a contribution to that work I am pleased to offer you the Executive’s formal response to the CSG report.

PATRICIA FERGUSON
THE FOUNDING PRINCIPLES OF THE SCOTTISH PARLIAMENT:
the application of Access and Participation, Equal Opportunities,
Accountability and Power Sharing in the work of the Parliament

Scottish Executive Response to the report of the Procedures Committee
of the Scottish Parliament
INTRODUCTION

The Responsibility of the Scottish Executive

- **Recommendation 1**: We recommend that the Executive should continue to inform all of its actions and policies by reference to the CSG principles, in its own internal operations, and its relations with civil society and the people of Scotland, as well as with the Parliament.

The Scottish Executive is happy to accept this recommendation. The Executive strongly supports the CSG principles and has worked hard to ensure that they are reflected in every aspect of its work.

The CSG principles have given the Executive and the Parliament a lot to live up to. Much has already been achieved and a great deal of progress has been made in just four years. The challenge is for the Executive and the Parliament to continue to work together in partnership to ensure that we build on the successes and learn from the experience of the first four years.

The Scottish Executive is continually striving to build on and improve its performance in a number of areas which have resonance with the CSG principles. With this in mind, the Executive has developed a two year programme of activity under the banner of *Changing to Deliver* (CtD). This aims to transform the Executive into an organisation that is not only good but excellent – an organisation characterised by professionalism, diversity, innovation and creativity; dedicated to performance and delivery; and responsive to the needs of its customers.

The Executive has put in place a comprehensive programme of activity to achieve change across the organisation, focussing on three main themes:

- Getting its internal processes and structures right, including in the key areas of Human Resources and finance;
- Getting its culture and behaviour right;
- Engaging with stakeholders and designing services and policies around customer needs.

A major plank of the change agenda is the *Delivering Professional Policy (DPP)* initiative. This is aimed at improving policy making and delivery across the organisation, and has concentrated particularly on a move to a more customer focussed approach. The work undertaken so far has resulted in a number of positive developments, including the establishment of a Policy Makers Network, which promotes good practice and shares experience, the running of internal “Policy Week” events, which have a strong customer focused theme, and improved guidance, support and training for Scottish Executive staff. The Steering Group which guides this activity benefits from external representation and many of the events draw on customer and stakeholder views.

A further initiative under the *Changing to Deliver* programme is the revised internal *Scottish Executive Good Practice Guidance on Consultation*1 and forthcoming related Information and Communications Technology (ICT) initiatives. These will focus in particular on

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1 The *Scottish Executive Good Practice Guidance on Consultation* is currently being revised. The revised version should be available to Scottish Executive staff by September 2003.
consultation activity, and will play a valuable part in the general impetus to change within the Scottish Executive. Adapting to the new challenges posed by devolution is of course a continuous process and our current and future planned evaluation work will aim to identify areas of strength and areas where further improvement is required as well as monitoring progress.

The Executive is fully committed to equal opportunities and the principles of mainstreaming equality across all its activities. The Equality Strategy, which we adopted in 2000 and which was debated and endorsed by the Parliament, serves to provide the framework for our work on equality, and we have sought, and will continue to seek, to promote equal opportunities in our relations with civil society, the Parliament and the wider public. We value the good working relationship we have with the Parliament’s Equal Opportunities Committee and hope that we can build on this in the future. However, the Executive is well aware that mainstreaming equality is a long-term process and there is still much to be done.

The Parliament and its Scottish partners in governance

- **Recommendation 2:** Looking beyond the question of their own internal relations, perhaps the most important development task for the governance partners is to widen further the circle of political participation in Scotland beyond the current members of these partnerships and civil society, and to enable those voices to be heard in government. While this 'pathfinder' function is the very raison d'être of the Scottish Civic Forum, it is a responsibility shared directly by the Scottish Executive and the Scottish Parliament. We therefore recommend that the Parliament and the Executive should accept a commitment to extend participation in policy formulation and law-making as widely as possible in civil society.

The Executive is happy to accept this recommendation. The Executive is committed to extending participation in the development of policy and legislation and welcomes the report’s emphasis on this issue.

The Executive has made considerable efforts within the last 2-3 years to improve its policy making processes - the development of more systematic guidance and training on issues such as consultation, gathering and using evidence and partnership working are all examples of this commitment. At the moment the Scottish Executive is undertaking various initiatives which are aimed at promoting greater openness, engagement and participation, including *Changing to Deliver*. We will continue to pursue these with a view to improving the process and outcome of policy making in the Scottish Executive.

The Executive places a strong emphasis on meaningful consultation which it recognises is an essential pre-requisite to effective policymaking and better legislation. To that end, the Executive issued 611 consultation papers between 1 July 1999 and 31 March 2003. We have also made considerable efforts to improve the quality of our consultation processes, for example by keeping our consultation activities under review and by the development of the *Scottish Executive Good Practice Guidance on Consultation*. 
Strengthening Access & Participation

• **Recommendation 3:** Nevertheless, the Parliament is at an early stage, and there is likely to be considerable room to expand the scope of participation activities. The present level of Parliamentary activity and resources may have to increase to meet perceived demand, for example committee resources and civic participation events. We therefore recommend that a cost-effective, targeted strategy be developed to enhance participation and access, and that both committee work and civic participation events will require additional focus and resources.

• **Recommendation 4:** We recommend that the expanded guidance which we will recommend in paragraph 846 should build on the 'networking' which Members already do with representatives of local authorities and other local organisations, for example enterprise companies, health boards and trusts and others, in order that all of these operate so far as possible as a team for the purpose of developing the public's access to political participation generally.

• **Recommendation 5:** We consider that it is of fundamental importance to ensure that the Parliament's efforts to improve access and participation are directed to increasing the breadth of those who engage with the Parliament, to draw disadvantaged social groups in particular into the decision making process. We recommend that this objective should be made explicit in the Parliament's external communications strategy.

• **Recommendation 6:** We recommend that the SPCB should prepare a specific outreach programme, based on the research recently commissioned by SPICe, to target and engage presently disengaged social groups, seeking to use all the resources of the Parliament and its committees, with regular reports to the Parliament which might be the subject of debate and discussion in the Chamber. It is vital that such a programme – and indeed all of the Parliament's efforts to enable wide participation – is directed to enabling people to be better informed about the Parliament in order that they are better equipped to influence the political process. We have no illusions about the difficulties of this task.

• **Recommendation 7:** We recommend that the SPCB should consider how best it can enable Participation Services to assist small organisations, and non-organised individuals, to interact better with the Parliament and its committees. We suggest that advice could be given, for example, on how people could access papers, respond to consultations, prepare and make submissions, and arrange meetings. Individuals and groups who wished to raise an issue could be advised as to the best way to do so. We recommend that resources should be made available to develop Participation Services in these directions.

• **Recommendation 8:** In seeking to extend access and participation, we suggest that it will be of enormous importance that the Parliament considers using as many 'gateway organisations' as possible in order to stimulate a partnership approach and to make the best use of the resources of all organisations and individuals who wish to involve themselves in the Parliamentary process - ensuring that resources are directed to areas where there are clear purposes to be achieved. We recommend that partnerships between the Parliament, Scottish Civic Forum, and organisations such as Barnardos, should be pursued vigorously.
• **Recommendation 9:** We recommend that the Parliament's Research and Information Group (RIG) and the SPCB should undertake research, in the light of 3 years experience, into any appropriate expansion of the partner library network, and the provision of IT links into the Scottish community, based on the libraries, but not necessarily confined to them. Consideration might be given to piloting IT access points in areas which would best support the objective of widening the engagement of the Parliament with disadvantaged groups.

• **Recommendation 10:** We commend the establishment of the Parliamentary Intranet/Internet Editorial Board and the Participation Services Unit. The 'discussion facilities' recommended by the Expert Panel now exist on the web (where there are, for example, forums on Europe, the Middle East, and Chronic Pain). We recommend that appropriate priority continues to be given to the development of the Parliamentary website, including provision for interaction.

• **Recommendation 11:** We recommend that users should be given the chance to comment on any proposal to redesign the website.

• **Recommendation 12:** We recommend that consideration should be given by the Parliament to a permanent Parliament roadshow to publicise its activities throughout Scotland. It might be similar to the stands the Parliament uses presently at voluntary sector and other conferences. Investigation could also be made of the feasibility and cost effectiveness of one or more appropriately sited High Street, 'Parliament Information Centres' which could act as focal points for the dissemination of Parliamentary information and related local activity, perhaps sharing facilities in branch libraries, job centres, or tourist information centres, in order to reduce costs.

• **Recommendation 13:** We were impressed by the efforts and achievements of the Education Service. Their activities are in great demand and the move to the new building will be an opportunity to step up the Service's level of activity. It is vital that all schools, at whatever distance from the capital, are enabled to travel readily to the Parliament and that distance is no impediment to any such engagement. We invite the SPCB to develop a strategy to ensure that all schools are enabled to access the experiences offered by the Education Service, regardless of their location in Scotland. We therefore recommend that the SPCB should increase resources to match additional demand for existing education services, and to develop further its 'outreach' activities, as part of the Parliament's external communications strategy.

• **Recommendation 14:** We recommend that the SPCB should consider how it might support and develop the 'Put it to your MSP' programme.

• **Recommendation 15:** We recommend that the SPCB should publish guidelines for responses to correspondence by the Parliament, and that the Conveners' Group should add similar guidelines in respect of committee correspondence.

• **Recommendation 16:** We recommend that this Committee, and the Equal Opportunities Committee, should review the Parliament's external communications strategy, including the language policy, in the course of the next Parliamentary session.

These recommendations are of course matters for the Parliament itself to consider. However, we consider that the approach proposed by the Committee represents a positive and realistic
way forward. In particular, the Executive is interested in the Parliament’s efforts to develop its regional presence and would be happy to discuss opportunities for joint action. The Parliament may wish to note that the Executive’s Public Internet Access Point initiative is creating over 1000 internet access points in communities across Scotland (with 600 currently up and running). In addition 557 public libraries in Scotland also provide free internet access.

For its part, the Executive places great emphasis on strengthening and widening access and participation, and would be interested to share best practice with the Parliament so that the Executive and Parliament might learn from each other’s experience. For example, the Scottish Executive Good Practice Guidance on Consultation contains a lot of practical advice for Executive staff about how to consult with stakeholders and the public more effectively through a variety of methods. In line with recommendation 5 of the report, the guidance explicitly emphasises that “it is important that you move beyond consultation with only ‘the usual suspects’ and make renewed efforts to consider all those likely to be affected by the policy under review.”

There has also been considerable work done to improve the Scottish Executive’s website, including the creation of a regularly updated news and feature service and the introduction of a virtual character, Seonaid, as presenter of a dedicated “Junior Exec” section aimed at a young audience. Between September 2001 and March 2003 usage of the website has increased by 116%. The entire Executive site, which is currently based on departmental structures, is in the process of being redesigned to follow a more intuitive, user-friendly, topic-led navigation system and the presentation of Publications and Consultations is also being overhauled.

In relation to recommendation 15, the Executive agrees that guidelines can help improve performance and ensure that correspondents are aware of what they can expect. The Executive’s published targets, which were set in 2001, are that 80% of letters to Ministers should receive a reply within 17 working days and 100% should receive a reply within 25 working days. The Minister for Parliamentary Business reports performance against the targets to Parliament on a quarterly basis. Since 2001, the Executive’s performance in answering Ministerial correspondence has steadily improved, and the latest figures show that, for the quarter January – March 2003, 82% of replies were issued within 17 days and 94% within 25 days. Letters for official reply have a target response time of 20 working days.

**Media**

- **Recommendation 17:** We recommend that a Media Group should be established under the general auspices of the Presiding Officers, as a means of ensuring continuing dialogue on key issues between the Parliament and the broadcast and written media.

- **Recommendation 18:** We recommend that the Parliament's Media Relations Office (MRO) should place greater emphasis on developing links with local newspapers.

- **Recommendation 19:** We recommend that the MRO should publish the conventions for applying the code of conduct, so that members of the Parliament, the press and the public are fully aware of them. We also recommend, on the grounds of openness, that the list of those who have, or have had, regular or occasional access should be available for inspection subject to the requirements of the Data Protection Act 1998.
• **Recommendation 20**: We consider that the Parliament must take every opportunity to present itself in imaginative ways that will relate to, and serve, the people of Scotland. It needs also to challenge the media, which has a clear interest, to collaborate in that project. The purpose of developing relations in this way between the media and the Parliament is to enable the public to have as much accurate information about the Parliament as possible. We therefore recommend that the SPCB should review the level of resources available to the Media Relations Office.

• **Recommendation 21**: We recommend that Committees should consider holding more regular press events; that the Conveners' Group could take a lead in discussing this (utilising the expertise of the Broadcasting Office and MRO), and could itself consider what relationship it might have with the media; and that some consideration could also be given to regular press briefings from the Presiding Officer, on behalf of the Parliament as a whole. Taken together, these initiatives could be an excellent way for the work of the Parliament to be mediated to the Scottish people in a more vigorous yet more measured way than hitherto been possible.

These are matters for the Parliament.

**Local Government-Parliament covenant**

• **Recommendation 22**: We recommend that all parties to the covenant should support a programme of information to promote greater understanding about the functions of the different parts of government, how these effect people's day to day lives, and the ways in which the parts co-operate to serve the public more efficiently.

While the Scottish Executive is not party to the draft Local Government-Parliament covenant (and indeed has its own Partnership Framework with Local Government), we strongly share the view, expressed by the Local Government Committee, that “the Parliament, Executive and local Government have a shared responsibility to serve the Scottish people”. The Executive would be interested to discuss with the Committee and other interested parties how such a “programme of information” might be conducted.

**Scottish Civic Forum**

• **Recommendation 23**: We consider it to be a significant omission that no concordat, nor agreement, exists between the Forum and the Parliament. We recommend that there should be such a concordat, that the Forum and the Parliament should hold discussions at an early stage to draw up such an agreement, covering co-operative action, and that the Parliament and the Executive should ensure that all 'gateway organisations' through which they seek to extend access and participation in the Parliamentary process are resourced adequately to achieve all agreed objectives. (para 206)

The Executive would welcome the establishment of a concordat between Scottish Civic Forum (SCF) and the Parliament. The Executive’s own concordat with SCF has been in place since October 2001 and has provided a useful and constructive framework. The Executive has also provided considerable financial support for SCF since its inception; in the current financial year, it is providing core funding of £180,000 and 2 full-time members of staff on secondment.
EQUAL OPPORTUNITIES

The Parliament as an Equal Opportunities employer

- **Recommendation 24**: 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. We recommend that MSPs should always apply equal opportunities principles in their work.

- **Recommendation 25**: We endorse the scope and the dynamic nature of the Equality Framework document, and recommend that it is constantly kept up-to-date and that its targets are assessed regularly by the Equal Opportunities Committee.

- **Recommendation 26**: We recommend the publication by the Chief Executive/Clerk of an annual equality report, and that consideration is given to debating this report in the Parliament's plenary session.

- **Recommendation 27**: We recommend that the SPCB should consider how such training can be provided in future. It appears that major and imaginative efforts are required in an area which can often appear obscure to non-experts. We suggest that equal opportunities training is offered, and taken up, by SPCB staff and MSPs alike, and we recommend that the SPCB should prepare appropriate training courses for MSPs and their staff to follow as quickly as possible after the 2003 elections.

- **Recommendation 28**: The annual staff equality audit which appears in the Framework has the potential to develop staff input to, and interest in, equal opportunities in the Parliament. We recommend that this should be reported on fully by the Chief Executive in his report to the Parliament.

These are matters for the Parliament to consider.

Equal Opportunities in the Parliament’s business

- **Recommendation 29**: We therefore applaud the efforts of the Equal Opportunities Committee to promote 'mainstreaming' equal opportunities throughout the work of the Parliament, and of all of its committees. We welcome the guidelines to committees on mainstreaming, and we recommend that all committees should attach the highest priority to implementing them.

- **Recommendation 30**: 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. Notwithstanding any benefits from changing Bill procedures and timescales, we recommend that lead Committees should take a greater responsibility for the equal opportunities aspects of the Bills before them.

- **Recommendation 31**: We recommend that the Finance and Equal Opportunities Committees should consider the creation of an equal opportunities 'expert panel' on the Scottish Budget, as suggested by the Equal Opportunities Commission.
• **Recommendation 32**: We recommend that the idea of each committee having a 'champion' for equal opportunities, as suggested by the Commission for Racial Equality, should be considered carefully by the Conveners' Group.

• **Recommendation 33**: We recommend that Committees' Annual Reports should cover any relevant equal opportunities activities undertaken in the course of the year.

• **Recommendation 34**: We recommend that there should be a thorough review of the relevant information currently made available on the Parliament's website, to ensure that people who are deaf or hard of hearing are made fully aware of the services provided by the Parliament; and that a leaflet should be produced to outline the services offered to disabled people by the Parliament in its permanent home at Holyrood. We also recommend that the local rate textphone number for the Parliament's public information office should be established.

• **Recommendation 35**: The Parliament is acutely sensitive to the range of cultures and religions in Scottish society. We recommend that the Presiding Officer should continue to reflect this diversity in his choice of speakers for 'Time for Reflection', noting that he has invited a wide range of speakers from the Buddhist, Hindu, Jewish, Muslim and Sikh communities, and small Christian Churches, as well as the Church of Scotland, the Roman Catholic Church, the Scottish Episcopal Church and interdenominational and humanist organisations.

• **Recommendation 36**: We recommend that the Equal Opportunities Committee should commission regular reports on the above and all related practices and initiatives.

These recommendations are all matters for the Parliament.

For its part, the Executive has been working since devolution to promote equal opportunities for all. Its overarching Equality Strategy was published in November 2000, and provides a framework for equality work to be developed systematically over the long term.

The Scottish Executive has taken action since 2000 to improve the position of equality groups in Scotland. Progress has been made through partnership working with statutory and representative equality bodies as well as organisations and individuals with an interest in equality.

At the centre of the Executive’s Equality Strategy is a commitment to mainstreaming. It has made significant progress in mainstreaming equality by for example:

- increasing consultation and dialogue with equality groups;
- improving data, information and research;
- raising awareness of equality through specific campaigns such as our anti-racism campaign *One Scotland: Many Cultures*;
- working to improve the diversity of public appointments.

Significant advances in equal opportunities have also been made through legislation introduced through the Scottish Parliament. The Executive and the Scottish Parliament’s Equal Opportunities Committee held a joint seminar in 2002 to share understanding about
approaches to mainstreaming equality in policy and legislation and the Executive looks forward to continued close working with the Parliament in this area.

ACCOUNTABILITY

Accountability in the legislative process

- **Recommendation 37**: The remit of our inquiry did not include conducting a root and branch review of so substantial and complex an area of the Parliament’s work. However, we recommend in the light of the evidence taken in this inquiry, that such a review, covering both primary and subordinate legislation, should be undertaken by our successors on this Committee, in collaboration with the Scottish Executive and the Parliamentary authorities, to ensure that the current legislative procedures and resources are fully adequate in the light of what will then be the Parliament’s significant legislative experience, but that this need not delay implementation of any specific changes we propose.

The Executive acknowledges that there have on occasion been considerable time pressures on the Parliament in dealing with both Executive and non-Executive legislation. The Executive keeps its own processes in relation to legislation under review, but would be willing to participate in a review by the Procedures Committee, in conjunction with the Parliamentary authorities, covering both primary and subordinate legislation procedures and resources. We are fully committed to open and inclusive consultation on proposals for legislation, and would encourage this also to be an essential element of non-Executive Bills.

Timetabling improvements

- **Recommendation 38**: The time allowed for the passage of Bills at Stage 1 and Stage 2 needs to take account of the requirement to consult the public adequately and to consider fully the rationale for amendments. We recommend that minimum periods be agreed but with scope for longer periods to be provided.

- **Recommendation 39**: For similar reasons, and with similar qualifications for extremely complex or wide-ranging Bills, we recommend an increase in the minimum period that must elapse between the day on which Stage 1 is completed and Stage 2 starts. This could give a more realistic opportunity for Members and civil society to consider the Bill and any amendments.

- **Recommendation 40**: Equally, we recommend increasing the minimum period between the day on which Stage 2 is completed and the day on which Stage 3 starts. Such an extended period would provide members and civil society with more time to consider any outstanding issues and for any proposed amendments to be worked up.

- **Recommendation 41**: Pending the review of the legislative process recommended earlier, we would encourage the Parliamentary authorities to consider and bring forward appropriate times for minimum periods for and between the stages of Bills as soon as possible after the start of the new Session.

- **Recommendation 42**: We acknowledge that the allocation of sufficient time for Stage 1 and 3 debates is always a matter of judgement. We are concerned that debates at Stage 1 and at Stage 3 have on occasions been allocated insufficient time to accommodate the Members who have asked to speak, and we recommend that the Parliament should agree a convention that timetabling arrangements should normally be made to allow all MSPs who wish to speak...
once in a Stage 1 debate, and on a Stage 3 amendment, to do so; and, if necessary, that greater use should be made of the facility to extend debates on Wednesdays.

- **Recommendation 43:** We consider that forward timetabling should attempt to anticipate requests to speak at Stage 1, so that time can be provided for all MSPs who wish to speak, and that the decisions of those responsible for timetabling can take full account of MSPs’ level of interest. We recommend that a new intranet facility be created to allow MSPs to indicate in advance their desire to speak, so that adequate time can be programmed for Stage 1 debates. We anticipate that MSPs will quickly come to use the facility to bid for all speaking opportunities, and recommend that its use be accepted for all debates.

- **Recommendation 44:** Pending a full review of legislative procedures, we therefore recommend that urgent consideration should be given by the Parliamentary authorities to whether the timetable for a Stage 3 debate should be advisory only, so that the Presiding Officers can be flexible in allowing those who wish to speak on amendments, for which time has not been allocated, to do so, and to extend if necessary, the overall time required to debate all the amendments.

In relation to recommendations 38 to 41, we accept that there have been pressures to complete Bill stages for Public Bills more quickly than may have been ideal in some cases, although it is also fair to point out that in many cases the time allowed between Stages 2 and 3 has comfortably exceeded the minimum periods prescribed by rule 9.5 of Standing Orders. The Executive would be happy to discuss timetabling issues with the Parliamentary authorities having regard to the concerns raised and the need to ensure the timely passage of legislation.

In relation to recommendations 42 and 43, forward timetabling of Stage 1 debates on Bills currently takes place when the Parliament agrees the date by which Stage 1 should be completed. Practice to date suggests that the date of the actual debate has consistently taken place in the week originally envisaged for the completion of Stage 1. While the Executive would not wish to see debate on a Bill curtailed, the length of debates needs to be balanced against the volume of business (both Executive and non-Executive). Time limits may therefore have to be placed both on the length of a debate and, at the Presiding Officer’s discretion, on the length of individual speeches during the debate. Determining who should be called to speak in a debate is of course a matter for the Presiding Officer, but it is of course open to MSPs to notify their Party Business Managers that they wish to participate in the Stage 1 debate, which in turn would enable Business Managers to indicate the expected level of interest in a debate to the Parliamentary Bureau.

In relation to recommendation 44, during Stage 3 of a Bill it is important that Members are clear about the amount of time likely to be available to discuss groups of amendments. The Executive would support any move designed to ensure effective scrutiny of amendments to legislation but does not believe that a proposal which allowed unlimited time to be allocated to a particular group of amendments would be the right way to achieve this. The Executive acknowledges that on occasions additional time would have been helpful to Members, but also considers that in the vast majority of cases during the first Parliamentary session the timetable allocated by the Parliamentary Bureau for Stage 3 has allowed sufficient time for scrutiny of legislation. The Executive believes that the Parliamentary Bureau is best placed to assess how much time will be required to debate individual groups of amendments and protect debate on issues of concern to MSPs, which depends not merely on the number of
MSPs who wish to participate in the debate but also on the nature and complexity of the issue in question. The selection of amendments at Stage 3 is of course a matter for the Presiding Officer.

**Subordinate Legislation**

- **Recommendation 45:** We recommended above that our successors in the next Parliament should review all aspects of legislation, including subordinate legislation. In the case of subordinate legislation, we note that the current system is wholly derived from the Westminster model and was established for this Parliament through the means of a Transitional Order in the Scotland Act 1998. We recommend that the next Parliament should take the necessary steps to replace the Transitional Order with primary legislation to establish subordinate legislation procedures fit for the purposes of this Parliament.

The Executive notes the recommendation that the Scotland Act 1998 (Transitory and Transitional Provisions)(Statutory Instruments) Order 1999 should be replaced with primary legislation, and stands ready to work with the Parliament to draw up the necessary legislation.

**Post-enactment legislative scrutiny**

- **Recommendation 46:** We commend and support the work of the Social Justice Committee and other committees engaged on such scrutiny. We recommend that the framework for scrutiny established by the Social Justice Committee is adopted across the committees, and recommend that all committees should routinely consider whether to subject legislation which they have passed to post-legislative scrutiny.

- **Recommendation 47:** We consider that this activity is of sufficient importance that the Standing Orders should require committees to give regular formal consideration to the need for post-legislative scrutiny and to report annually on all such work undertaken.

The Executive endorses the need for the operation of legislation to be monitored and reviewed on a continuing basis after implementation, and regards this as good practice both for the Executive and the Parliament. However, it believes that it is a matter for each individual Committee to decide how best to discharge this responsibility, and accordingly does not consider it necessary for Standing Orders to impose formal requirements on Committees in relation to post-legislative scrutiny.

**Sewel Convention and Sewel Motions**

- **Recommendation 48:** We are investigating these and other pertinent points in our ongoing work on Sewel motions. We have sought the views of the Scottish Executive and the UK Government on the use of Sewel motions, and we recommend that our successors in the next Parliament should complete the inquiry and report with appropriate recommendations.

- **Recommendation 49:** Given the salience of debates on Sewel motions in the first Parliamentary Session, we suggest that there is a strong case for making improvements to the Sewel motion process, pending the completion of the committee’s review. We recommend that the Parliamentary authorities should consider proposals for improving the present process, including those suggested by the Scottish Executive in its memorandum - which we have included in our volume of evidence - with a view to implementing sensible improvements.
without delay. We believe, for example, that the co-ordination of the legislative process of the relevant Bill at Westminster with the Sewel process here is very important to enable full transparency of process. We also think that consideration might be given to the role of committees in considering Sewel motions, where appropriate.

The Executive regards the Sewel Convention as an important aspect of the devolution settlement, which in both principle and practice reflects our co-operative and mutually beneficial relationship with the UK Government. The Executive is therefore keen to ensure that the associated procedures are as effective as possible.

As the report acknowledges, the Executive has previously provided the Committee with a memorandum on the operation of the Sewel Convention. This suggested some changes to current procedure, primarily aimed at giving the Parliament more time to consider the scope and content of any proposed Sewel motions. The Executive welcomes the Report’s positive response to its proposals for change which have been brought into effect.

The Executive notes the report’s recommendation that the new Committee should undertake a full inquiry into the operation of the Sewel Convention in the new parliamentary session, and that the new Committee has subsequently referred the matter to the Bureau. The Executive will stand ready to provide the Committee and the Bureau with whatever further assistance they may require.

**Financial Accountability**

- **Recommendation 50:** We concur with the recommendations by Mike Watson, outlined in paragraph 423 above. In particular we recommend the retention of a standing budget adviser, to provide both the subject committees and the Finance Committee with the expert advice which they require.

- **Recommendation 51:** Advisors must not become a substitute for members' own developed expertise in scrutinising the budget. Such scrutiny appears to be a function basic to the job of being a member of the Scottish Parliament. We recommend that the SPCB should therefore provide appropriate budget training for MSPs to ensure that they feel equipped for this job.

- **Recommendation 52:** Scrutiny of the budget process is a central responsibility of the Parliament, and this should be reflected in all 'outreach' documents and presentations. Participation Services should consider opportunities for the public to learn about the budget and, in particular, the Parliament’s role in it. We recommend that the Parliament’s website should track the budget process as it moves through its stages, in as accessible and attractive a manner as possible.

These recommendations are matters for the Parliament.

**Auditor General for Scotland**

- **Recommendation 53:** In this context, we note Mr Black’s proposal that subject committees might make use of Audit Scotland reports, and we recommend an element of work co-ordination, possibly overseen by the Audit Committee, as the committees develop a capacity for audit.
• **Recommendation 54:** The issues of value for money and of performance both lie at the heart of government and scrutiny, and we agree that there could be a case for plenary debate of major points arising from any audit ‘overview’. We invite the Audit Committee to reflect on the suggestion and to bring forward appropriate proposals for such a process.

Recommendation 53 is essentially a matter for the Parliament. However the Executive notes that, if the Parliament accepts the recommendation, it will be important that the Audit Committee exercises oversight to avoid duplication of scrutiny. In relation to recommendation 54, the Executive notes that the Parliament can already debate an audit report if it wishes to do so.

**Parliamentary Questions process**

• **Recommendation 55:** We intend later in this Session, time permitting, to consider the outstanding issues of Question Time, First Minister’s Question Time and PQs concerning NDPBs and other public bodies. Should this not prove possible, we recommend that the balance of work should be pursued by our successors on this Committee in the next Parliament.

• **Recommendation 56:** We are conscious that our work to date has all been designed to improve the operation of the present PQ system, which the Parliament has largely adapted from practice at Westminster. We consider that there is a need in the medium term to review the procedures for questioning and answering, in the light of our experience to date, and including comparative work with other parliaments, to establish whether current procedures are adequate. We therefore recommend that our successors on this Committee should conduct a fundamental review of questioning and answering, given its importance to the Parliament.

• **Recommendation 57:** We suggest that experience shows possible benefits from direct contact between MSPs and civil servants in dealing with PQs and letters. In the event that an Executive official charged with drafting an answer to a PQ or letter from an MSP is unclear about any aspect of the question or letter, and is consequently uncertain about how to draft a suitable reply for the Minister's consideration, we think that it is essential that the official concerned feels able as a matter of routine to contact the MSP directly, to seek clarification. There should be no question of a reply being drafted where there is any doubt at all about the nature of the point to be addressed. We recommend that the Scottish Executive should amend the relevant guidance to civil servants to encourage direct contact in such circumstances.

• **Recommendation 58:** A related complaint is that Ministerial answers can be over-long, leading Members to feel that fewer questions are reached than would otherwise have been possible. We therefore recommend that the Parliamentary authorities should consult on, and bring forward, changes to the Standing Orders to require Ministers to offer relevant and appropriate answers to oral questions.

• **Recommendation 59:** We recommend that, when the Executive concludes that an item of news or comment is not of sufficient urgency or significance to merit announcement by Ministerial statement, such announcements should be made to Parliament by means of the daily Business Bulletin. A new section in the Bulletin would be required for this purpose. An amendment would be required to Rule 5.9 of the Standing Orders to include a new permanent category in the list of matters to be included in the Bulletin.
Following correspondence between the First Minister and the Presiding Officer about the suggested reform of First Minister’s Question Time (FMQT), the Executive is pleased that the Committee has agreed to recommend changes to Standing Orders to increase the time allowed for FMQT from 20 minutes to 30 minutes and to allow FMQT to be scheduled for a time other than immediately after Question Time. This will give back-benchers more time for spontaneous questions about topical interests and help to make FMQT more accessible for school children and members of the public. The Executive looks forward to working closely with the Procedures Committee as it takes forward its wider review of Question Time: the First Minister has already made the suggestion that thematic Question Times would be worth consideration. Discussions between the Executive and the Parliament’s Research and Information Group are also taking place with a view to implementing a simple, practical and more transparent procedure for PQs to NDPBs by the end of the summer recess (recommendations 55 and 56).

The Parliamentary Clerk currently co-ordinates, on behalf of officials, approaches to MSPs on any aspects of written or oral PQs which are unclear. We believe that this system works well and therefore see no need for change. The Executive’s Correspondence Unit provides a similar co-ordination role in respect of Ministerial correspondence (recommendation 57).

The Executive accepts that Ministerial answers to questions should be no longer than necessary – which will of course vary depending on the nature of the question – but does not consider that any change to Standing Orders is necessary in order to achieve this (recommendation 58).

The Executive attaches importance to ensuring that the mechanisms for informing Parliament of its policies and business are appropriate and, therefore, that they are kept under review. While it takes the view that Inspired Parliamentary Questions are likely to continue to offer a useful way of placing information in the public domain, in light of recommendation 59 it would also be happy to consider proposals for supplementary mechanisms. It may well be instructive to consider the arrangements that have recently been put in place in the House of Commons. The review of Good Practice Guidance by the Presiding Officer on Announcements by the Scottish Executive may well offer an appropriate opportunity for giving these matters further consideration.

General Debates in the Chamber

- **Recommendation 60**: It would seem sensible to initiate subject debates on a trial basis, and we recommend that two trial debates of three hours each, on topical and substantive issues, are arranged for early in the next Session of the Parliament. These could then be reviewed, and, if thought successful, could be made a regular feature of Parliament’s work.

- **Recommendation 61**: We made an earlier recommendation that requests to speak in Stage 1 debates should be notified electronically by means of a new intranet facility, and we recommend that the practicability of extending this arrangement to all debates, and providing feedback from the clerks, should be given careful consideration.

- **Recommendation 62**: We recommend that the Bureau should consult on the principle of adopting a convention where motions should be lodged a minimum of 4 sitting days in advance of the dates of debates, subject perhaps to the right of movers of motions to make manuscript amendments to the wording in certain circumstances. We also recommend that
earlier deadlines, possibly a minimum of 2 sitting days, should be considered for the tabling of amendments.

The Executive is happy to accept the Committee’s recommendation that subject debates should be initiated on a trial basis early in the new Parliament.

Recommendation 61 is a matter for the Parliament.

While the Executive would not object to the Bureau looking at the issue of time limits in the context of recommendation 62, it believes that great care should be taken to ensure that the scope for topicality and spontaneity is not unduly restricted.

Members’ Business and Time in the Chamber

- **Recommendation 63**: We recommend that the Bureau should consult on alternative, more transparent methods for selecting motions for Members’ Business, and that the necessary changes to Standing Orders should be brought forward as early as possible in the next Session of the Parliament.

- **Recommendation 64**: We recommend the re-positioning of at least one of the Members’ Business sessions during the period 14.00-17.00 on Wednesday or 09.30-17.00 on Thursday early in the next Session on a trial basis and where a motion has attracted a high level of support. The Committee would review this experience and report to the Parliament. An amendment to Rule 5.6.1(c) would be required.

- **Recommendation 65**: Thirdly, if the Parliament were to decide at some future period to increase the time for plenary business, it might give consideration to increasing the time available to Members’ Business also.

- **Recommendation 66**: We recommend that our successors in the next Parliament should consider taking forward such proposals for changes to the Parliamentary week as appear to command significant support from Members.

Any changes to the method for selecting motions for Members’ Business will be a matter for the Parliamentary Bureau to consider in conjunction with the Chamber Desk (recommendation 63).

It is important that the Presiding Officer and the Parliamentary Bureau are not unduly restricted in seeking to manage the business of Parliament to best effect. The potential for the displacement of business commanding wide-ranging interest should therefore be a consideration in re-positioning an existing slot for Members’ Business. The Executive notes that additional time has occasionally been allocated for Members’ Business during the lunch break, and suggests that greater use of this time could represent a suitable way forward (recommendation 64).

As regards recommendations 65 and 66, the First Minister wrote to the Presiding Officer after the Election with a number of suggestions for the reform of the Parliamentary system. Whilst some changes could be made in early course (and the Procedures Committee has made recommendations in respect of FMQT for early implementation), we consider that more wide-ranging changes should be considered in the context of the First Minister’s proposals.
Civil Service

- **Recommendation 67**: We recommend that the Executive and the Parliament should set up a steering group of MSPs and Ministers, supported by civil servants and parliamentary officials, to bring forward a practical agreement to agree and implement a new relationship between the civil service and the Parliament along these lines.

The Executive acknowledges the importance of a clearly defined and constructive relationship with the civil service and would be happy to explore the issue further with the Parliamentary authorities. A good deal of work has already been done in relation to the way in which civil servants engage with the Parliament, including making the Executive’s Staff Directory available to MSPs so that they can contact civil servants directly in certain circumstances, and appointing Departmental Committee Liaison Officers (DCLOs). As the report itself points out, however, the constitutional position is that civil servants are responsible to Scottish Ministers who are in turn accountable to the Parliament, and the Executive could not support any proposals which cut across these lines of accountability.

‘Arms length’ bodies

- **Recommendation 68**: We consider that it is vital to the scrutiny of ‘arms length’ bodies that the Parliament develops a high profile, well-resourced and systematic approach to scrutinising such bodies. Without such an approach accountability and power sharing are unlikely to prove adequate. We therefore recommend that our successors on this Committee should consult on, and produce, a framework for scrutiny in this area of the governance of Scotland.

The Executive welcomes the Committee’s view that the Parliament should enhance its ability to scrutinise “arm’s length” bodies. While a great deal of information is already available on the constitution and performance of public bodies, the Executive is keen to promote openness by public bodies in their reporting, and continuous improvement in the quality of that reporting.

To this end, the Scottish Executive has placed executive public bodies under a duty of Best Value as a means of promoting continuous improvement in performance. Recent Scottish Executive guidance to such bodies makes it clear that Responsiveness and Consultation, and Accountability, are key principles of Best Value. In particular, the principle of Accountability requires “the use of public performance reporting so that stakeholders are told what quality of service is being delivered and what they can expect in the future.”

Modernisation of government

- **Recommendation 69**: We consider that the Parliament should be an active partner in the modernising and open government process, being given the opportunity to initiate and comment on proposals in such areas as the structure, staffing and operation of the Scottish Administration and in others central to modernising government. We consider that this would be fully consistent with the principles of the Parliament, and we recommend that the Scottish Executive and the Parliament should reach agreement on how to draw the Parliament into active partnership.
The Executive is of course always willing to consider any specific suggestions from the Committees or the Parliament on modernising or opening up the process of government. Indeed, it is open to the Parliament to scrutinise the activities of any particular area of the Executive. It is of course important to recognise that, under the terms of the Scotland Act 1998, the Scottish Administration and the Parliament are distinct statutory bodies with separate management structures. However, the Executive is currently implementing a major change programme, *Changing to Deliver*, which is designed to ensure that the organisation is ready to meet the challenges of the second term. Re-examining the way in which the Executive works in partnership with its key stakeholders is a significant part of the programme, and the Executive would welcome input from the Parliament as the programme is taken forward.

**Parliamentary consideration of constitutional and governance matters**

- **Recommendation 70**: We have been pursuing the extension of the Committee's remit separately. We believe that so extending our remit would be helpful in enabling the Parliament to formulate views on constitutional and governance matters. We recommend that the remit of the Procedures Committee is extended accordingly.

While this is a matter for the Parliament, the Executive questions whether there are practical reasons which would justify changing the remit of the Procedures Committee. While constitutional or governance issues may occasionally arise which go beyond the remit of any individual Committee, the Executive believes that it would be preferable to deal with these matters on a case by case basis.
POWER SHARING

Parliamentary committees - operations

- **Recommendation 71**: We consider that it would be appropriate at a later stage for an audit of committees to be undertaken, particularly their 'dual role' function, in order to ensure that these innovative arrangements are working well over the medium and longer term.

The Executive believes that the Committee system has been a success story and has provided an important framework through which proper accountability has been established. During the first four years of the Parliament, Committees have played a vital role in scrutinising the work of the Executive. They have done so in a number of ways including holding inquiries, taking written and oral evidence from Ministers, officials, interest groups and individuals both in and, where occasion demands, outwith Edinburgh. While the suggested audit is a matter for the Parliament itself, the Executive would be content to support any proposal that would further enhance the current system.

Meetings in private

- **Recommendation 72**: We consider that committee conveners should be scrupulous in anticipating the requirement to take evidence in private, and the reasons for so deciding. We recommend that proposals that committees take items in private are published in advance in the Business Bulletin and on the web site, wherever possible, in order to minimise any public misunderstanding or inconvenience. Where circumstances do not permit a private session to be anticipated in this way, we recommend that committee conveners should ensure that a full explanation is provided to the public gallery in the Committee Room and that the Official Report records this.

This recommendation is relevant to recommendations 73 to 78 which make a number of suggestions for increasing the transparency of the way in which Committees operate. Standing Orders rule 12.5 presently allows each Committee to decide whether to hold the whole or part of a meeting in private, with certain stated exceptions. We support the recommendation for greater diligence, transparency and public awareness.

Draft reports on committee inquiries

- **Recommendation 73**: However, we are concerned that decisions about finalising reports in private have come to be taken automatically, and we consider, at the very least, that committees should take these decisions on a case-by-case basis, deciding to take some reports in public and some in private. We recommend that each committee should take every decision about finalising reports in privacy on the merits of the case; should guard against holding every discussion of draft reports in private; and should be prepared to finalise reports in private only where there are powerful reasons advanced for so doing.

- **Recommendation 74**: We recommend that committee draft reports on non-legislative matters should be decided by committees in public, wherever possible, and that, over time, this should become the normal practice of the Parliament.
- **Recommendation 75**: We have also considered current practice whereby MSPs are excluded from private meetings, unless they are committee members or are acting as substitutes. We consider that there are circumstances when an MSP who is not a member of a committee may have a case to attend certain private meetings, at the discretion of the committee itself. We recommend that the Standing Orders are amended to allow committees to agree to the attendance of MSPs who are neither members nor acting as substitutes, at private meetings.

- **Recommendation 76**: Rule 12.9 of the Standing Orders presently states that committees' annual reports should indicate the number of times that each committee has met in private. To aid transparency, we recommend that Rule 12.9 should be amended to ensure that all committees place on record in their annual reports the reasons for each instance when it decides to meet privately, or to take a particular agenda item in private. We also recommend that committees should record what proportion of their time has been spent in private and in public session.

- **Recommendation 77**: We consider that opening up to the public the rationale for committee choices could be helpful in allowing those competing for committee attention both to understand the pressures on committee time, and the reasons why committees make the choices they do. We therefore recommend that the committees should publish (and update) their draft forward work programmes on a regular basis, and should normally discuss these in public.

- **Recommendation 78**: We recommend therefore that committees should ordinarily discuss their lines of questioning in public, but that they will be justified in meeting in private where they consider public discussion might undermine the effectiveness of the subsequent evidence session. (para 644)

- **Recommendation 79**: However, we do recommend that substantive decisions about forward work programmes should be recorded on the Official Report (OR), as it is important that third parties are aware of committees' reasons for such decisions.

Recommendations 73-79 make a number of suggestions for increasing the transparency of the way in which Committees operate. While the practicalities of the proposals are clearly a matter for the Parliament itself to consider, the Executive would be sympathetic to any suggestions designed to promote greater engagement and openness, in order to improve awareness of Committee business and provide a better understanding of why particular decisions have been reached. However, the Executive recognises that there is a balance to be struck, and that it will be important to avoid stifling frank and open discussion (which can assist in reaching consensus) by requiring discussions to be held in public when members may feel constrained in the positions they are able to adopt.

In relation to recommendations 77 and 79, the Committees of the Parliament are free to set their own work programmes. The Executive would be content for its interest with the proposal to publish and update Committee draft forward work programmes, if the Parliament believes that to do so would improve internal processes and increase public awareness.

The proposal to record substantive decisions about forward work programmes in the Official Report is a matter for the Parliament (recommendation 79).
Draft committee reports on Bills at Stage 1

- **Recommendation 80**: We recommend that Rule 6.2.2 is amended to clarify the requirement that the draft reports of committees on the general principles of Bills (Stage 1 debates) shall be considered and agreed in public.

This is a matter for the Parliament. However, as indicated above, the Executive believes that it is important to avoid discouraging frank and open discussion (which can assist in achieving consensus) by insisting on public meetings in all circumstances.

Executive majorities on committees

- **Recommendation 81**: Having considered the matter carefully, we concluded that the precedent identified in paragraph 663 should not be followed. We believe that the rules on party balance are appropriate, and we do not recommend any changes to create majorities of non-Executive parties on any committees. We note that party convenerships and deputy convenerships were allocated in this Parliament using the d'Hondt system. We recommend that, whatever system is used, the principle of party balance should be applied consistently across all committees and convenerships.

The Executive supports the view that party balance should be applied consistently across all Committee and Convenerships and agrees that there is no evidence to suggest that the present arrangements for appointing the conveners and members of Committees has in anyway undermined their work. Indeed, the Executive believes that a strong and independent Committee system has been one of the major successes of the Parliament.

Committee meetings outside Edinburgh

- **Recommendation 82**: We recommend that committees should continue to take every appropriate opportunity to meet outside Edinburgh. MSPs are obviously the primary ambassadors of the Parliament and a powerful resource in consolidating support which surveys demonstrate exists in the population for the Parliament and the work of its committees. Formal committee meetings can often be combined with other local events, including civic participation events, which will be of benefit and interest to people outside Edinburgh.

The Executive acknowledges the importance of Committees continuing to meet in locations outwith Edinburgh where the subject matter is of local interest, having due regard to cost implications. We have no doubt that the public has appreciated such meetings being held in different locations in Scotland: for example, the events held to inform the development of the Water Environment and Water Services (Scotland) Bill in Perth and the Building (Scotland) Bill in Dundee.

The Executive therefore welcomes this recommendation as a way of providing easier access to the Parliament for people throughout Scotland and as means of engaging with those in all areas.
Changes of committee membership

• **Recommendation 83:** We are aware that the Conveners’ Group is actively looking at the rationale for the size of committees. We welcome this initiative, which we expect will lead to committee sizes being based on variations in their remits and anticipated workloads. We recommend that the Conveners’ Group should also have regard to the potential workload implications of Committees working jointly with the Executive on legislative proposals, inquiries and consultations.

• **Recommendation 84:** At present the published arrangements for committee membership (Rule 6.3) and for conveners of committees (Rule 2.1) are extremely general. We consider that, in the interests of transparency, it would be most desirable were there to be more information about the considerations which guide the Bureau in arriving at the proposals for motions on these matters. We recommend that such information is brought into the public domain and made accessible.

The Executive is aware that the Conveners’ Group has considered a number of issues in relation to Committees. The recently agreed Committee structure is more streamlined with the number of Committees reduced from 17 to 16, and the opportunity has been taken to align the Committee remits more closely with Ministerial portfolios.

Recommendation 84 is a matter for the Parliamentary Bureau.

**Non-Executive Bills**

• **Recommendation 85:** The Executive has facilitated Committee and Members’ Bills on a number of occasions. A current example of this is the Executive’s detailed support for Keith Harding’s Dog Fouling (Scotland) Bill. We applaud support in this way for Members’ and Committee Bills, and we recommend that the Executive considers issuing guidance to members about the circumstances in which it might offer such support, the nature of support, and the mechanisms open to members for opening up discussions with the Executive about obtaining such support.

An increasing number of Committee and Member’s Bills have completed their Parliamentary passage, which has resulted in some important and valuable pieces of legislation being enacted. In total, 8 Member’s, 3 Committee and 2 Private Bills have been passed so far, and others are in the pipeline. This has been a useful aspect of the Parliament’s work, and a good example of Members, Committees and the Executive working closely together.

A Member looking for Executive support for a Member’s Bill should (as is the case at present) seek the support of the appropriate Executive Minister. The same procedure applies to Committee Bills. That support may take the form of drafting assistance or assistance with amendments, but is additional to and does not seek to undermine the valuable role played by the Parliament’s Non-Executive Bills Unit which was set up specifically to provide administrative and procedural support for such Bills.

**Other operational committee matters**

• **Recommendation 86:** We consider that academic expertise is often useful to committees, but that it is clearly not their only potential source of advice and expertise. We recommend
that committees should seek breadth and variety of expertise when engaging advisers and that guidelines on the selection of advisers should be published.

- **Recommendation 87**: We recommend that the Conveners’ Group and individual committees should consider establishing ‘citizens’ forums’ or ‘expert panels’ as appropriate, and on a case-by-case basis.

- **Recommendation 88**: We recommend that committees should be as flexible as possible in the consultation techniques, and venues, used for exchanges with the public, and we commend several examples we heard of good practice in these respects.

- **Recommendation 89**: We consider an accessibility report to be a useful idea, and recommend that, from 2004, committees should include specific paragraphs on civic participation in their annual reports.

- **Recommendation 90**: In practice committees’ annual reports tend to be very brief. We invite the Conveners’ Group to consider whether these brief reports convey adequately the considerable work which committees undertake annually and whether committees should be encouraged to use these reports more expansively for reflection and forward looking, in addition to summarising the past year.

Recommendation 86 is a matter for the Parliament.

In relation to recommendation 87, the Executive welcomes the idea of establishing “citizens’ forums” or “expert panels” as a way of broadening consultation and participation in policy making and law making in ways that are appropriate and focused. We would suggest that drawing on existing forums and groupings, for example the Older People’s Forum, may offer best use of resources. The Scottish Youth Parliament is increasingly being used by the Executive – and the Parliament – to represent the views of young people and has participated in a variety of policy areas from work taking forward the EU White Paper on Youth to the Mental Health Bill, and from the Sport 21 Review to the European Year of Disability Steering Group.

The Executive, in partnership with Young Scot, COSLA, local authorities and their community planning partners and young people themselves, is also developing a major initiative at local level called Dialogue Youth. This aims to promote cross-departmental and joint agency working; provide a focal point for engaging with young people at a local and national level; stimulate lifelong learning, youth mobility, community safety, healthy lifestyles and enterprise education; promote citizenship; and promote social inclusion by involving young people as full partners in the design and delivery of services and facilities. Dialogue Youth Units have been established in Glasgow, Angus and Argyll and Bute and the project is now being rolled out across all local authority areas. The Executive is also regularly and actively engaged in consultation and dialogue with equality groups as part of its Equality Strategy.

The Executive also welcomes recommendation 88, which accords with the Executive’s policy of encouraging more flexible use of different consultation methods and ensuring that the needs of equality groups are taken into account in planning such activities. The Executive would be interested to share best practice in this area with the Parliament so that both bodies might learn from each other’s experience.
Recommendations 89 and 90 are matters for the Parliament.

Parliamentary Bureau

- **Recommendation 91**: We accept that some Bureau discussion might be sensitive, that it might be commercially or personally confidential, and that legitimate reasons might exist for taking such discussion in private. However, for the reasons given above, we do not consider it justifiable that the Bureau should meet invariably in private, and we recommend that Standing Orders Rule 5.2.2 should be amended to give the Bureau itself the right to determine whether and when it should meet in private.

- **Recommendation 92**: We recommend further that the Bureau should consider, and report to the Parliament, how it could make its operation more transparent (including publishing agendas and more detailed records of decisions taken, the opening up of meetings to MSPs and, in certain circumstances, the holding of meetings partly in public).

- **Recommendation 93**: We do not dismiss the concerns which were expressed, however, and we recommend that the Bureau should respond to backbench concerns by opening a new means of dialogue. We recommend that the Bureau should hold such meetings as may prove to be useful with such backbenchers as wish to meet with it, both as early as possible in the new Parliament, and as regularly thereafter as there appears to be relevant matters to discuss.

- **Recommendation 94**: We recommend that a Parliamentary outline business programme is drawn up, and noted by the Parliament as an early item of business after the summer recess. It should indicate provisional time allocations for Executive, non-Executive Party, Committee, and all other identifiable Parliamentary business in the Chamber. The indicative programme should be regularly revised by the Bureau as the programme is developed in detail, with a major input from the Conveners' Group on behalf of committees.

- **Recommendation 95**: This work is likely to involve a great deal of effort by Parliamentary staff and the main contributors to the programme. It would require to be carefully planned and some extra resources may be required. We recommend that a detailed implementation plan for consideration is drawn up in due course by the Bureau, including any proposals for changes to the Standing Orders (Rule 5), to implement the proposals for a programme set out above by the start of, say, the Parliamentary year 2004 - 2005.

- **Recommendation 96**: We recommend that a Bureau agenda is published in the Business Bulletin two working days prior to the meeting, with any late items posted on the Parliament's web site.

- **Recommendation 97**: The Presiding Officer has taken the view that his casting vote (Rule 5.3.1) is virtually redundant in present circumstances. However improbable, it is possible that the balance of parties in a future Parliament could produce a tied vote under the block vote mechanism, and we therefore recommend that provision for the Presiding Officer's casting vote should be retained in the Standing Orders.

- **Recommendation 98**: We have no proposal for an alternative name for the Parliamentary Bureau, and we recommend that the Bureau itself should consult, and
recommend a proposal to our successors in the next Parliament with proposals to re-name the Bureau (including the suggestion of Business Committee as proposed by the CSG, with appropriate changes to the Standing Orders (Rule 5)).

- **Recommendation 99:** Finally, we recommend that the Parliamentary Bureau should either produce a brief annual report covering such matters as attendance, number of meetings, and such other statistical material as might be thought helpful, or, at the very least, that a separate section in Scottish Parliament Statistics should be created for the Bureau. This would bring it into line with the practice of other Parliamentary bodies, and aid the process of ‘demystifying’ its procedure and operations.

In relation to recommendations 91-93, the Consultative Steering Group proposed that the Bureau should always meet in private and any change to this arrangement would be for the Bureau itself to consider. For its part, the Executive believes that the current system works well and that implementation of recommendations 91 and 92 would discourage open and frank discussion. There are times when it is of benefit to all parties represented in the Bureau to discuss issues, especially sensitive ones, in private and the Executive believes that it would be counter-productive if open meetings were to result in “grandstanding” by some Members.

The Parliamentary Bureau has already made a number of changes to the way in which it operates in order to make its work more transparent. For example, a summary of the note of proceedings is now published in the Parliament’s Business Bulletin after each meeting. It is also important to remember that the outcomes of the Bureau meetings are put before the Parliament on a weekly basis when every MSP has the opportunity to vote on the business motion put forward.

In terms of recommendation 93, with the exception of the independent Members and the smaller Parties (i.e. those with fewer than 5 Members) each Member in the Parliament is represented on the Parliamentary Bureau by the Party’s Business Manager. The Executive believes that it is the responsibility of Party Business Managers to report back to their individual Groups any relevant matters arising from the Bureau. Business Managers also have a role in reflecting the views of their Party Groups in the Bureau meetings. The Executive understands that the Presiding Officer takes responsibility for informing independent members of the outcome of the Bureau meetings.

In relation to recommendations 94-95, the Executive would have no difficulty with the publication of an outline business programme covering the period from one recess to the next. However, it has to be recognised that business in that period would be indicative and subject to change. It is also unlikely that it would be possible to specify topics for debate more than 2 to 3 weeks ahead. The Executive does not think that such action would require a change to the Standing Orders and suggests that implementation should be on an informal basis agreed by the Parliamentary Bureau.

In relation to recommendation 96, the Executive has no objection to the Bureau Agenda being published in advance.

In relation to recommendation 97, the Executive agrees that provision for the Presiding Officer’s casting vote in the Parliamentary Bureau should be retained in the Standing Orders.

Recommendations 98 and 99 are matters for the Parliament.
Scottish Parliamentary Corporate Body

- **Recommendation 100:** We recommend that the SPCB should consider whether it should make its work more transparent, in the interests of greater accountability; in particular, that it should consider how to make itself more accountable to other MSPs, and to draw them into its decision-making processes; and that it should consider the implications of conducting some of its business in public.

- **Recommendation 101:** We recommend that, in its review of corporate governance, the SPCB should consider whether the number of SPCB posts allows its members to discharge the broad extent of its current responsibilities and of any changed role which SPCB members may have as a result of the review, in developing SPCB policy and monitoring the work of the Parliament's directorates.

- **Recommendation 102:** Finally, we wonder if the title of the SPCB was as transparent as the importance of its functions warranted. While the body’s title is set in the 1998 Act, we consider that the SPCB might wish to consider whether an alternative title could assist in the overall transparency of its operations.

Recommendations 100-102 are matters for the SPCB itself. In relation to recommendation 102, the Executive’s view is that such a change is not a priority and would be unlikely to add to the public’s understanding of what the SPCB does.

Conveners’ Group

- **Recommendation 103:** We recommend that the Conveners’ Group should consider whether there is a case for increased transparency in its work. We have suggested that other Parliamentary bodies should consider publishing agendas in advance of meetings, those papers which do not deal with matters which are genuinely confidential, and minutes of decisions and reports on their activities. We recommend that the Conveners’ Group should also consider whether it should open its business to other MSPs, or in other ways account for its decisions to MSPs generally, or through Conveners to their committees, and whether its meetings should be held in public or in private.

- **Recommendation 104:** We recommend that the Scottish Executive should review the position it took when this committee raised this matter with the then Minister for the Parliament on 30 October 2001, and should consider proposals for regular question sessions between the Conveners’ Group and the First Minister in the context of the review of Question Time and First Minister's Question Time referred to in paragraph 457 of this report.

Recommendation 103 is a matter for the Parliament and members of the Conveners’ Group.

The First Minister indicated in a letter of 8 May to the Presiding Officer that he would wish to take part in twice-yearly question sessions with the Conveners’ Group. The Executive believes that this would not only provide more opportunities to put questions to the First Minister, but would also enhance further the status and profile of the Parliament’s Committee system.
Issues raised by the Presiding Officer

- **Recommendation 105**: Any changes to the names of institutions would require a change to the Scotland Act 1998. This need not however prevent the Parliament itself from taking a view, and we recommend that the Scottish Executive should research this matter carefully, and report to the Parliament on whether or how to re-name itself in a manner which will clarify the differences between the Executive and the Parliament; the two parts of the Scottish Administration (i.e. Ministers and the civil service); and the Scottish Executive (the Government in Scotland) and the UK Government.

- **Recommendation 106**: We believe that the time is ripe for the Parliament to take control of its own proceedings, and we recommend that the Scottish Executive should invite the UK Government to investigate methods by which this might be accomplished and that our successor Committee should request an issues paper on progress on this issue in due course.

In relation to recommendation 105, the Executive is not persuaded that there is any need to re-name itself at this time, or that to do so would achieve any greater clarity about the differences between the different institutions.

As the First Minister has made clear on a number of occasions, the Scottish Executive is Scotland’s devolved government. It was always to be expected that it would take time for the public to become familiar with the respective roles of the Executive and the Parliament, as well as those of the post-devolution UK Government and UK Parliament. It is our view that renaming the Executive could have substantial cost implications without any demonstrable benefits. The Executive therefore believes that it and the Parliament should concentrate on promoting a wider understanding among the public of what the institutions do rather than embarking on a costly “rebranding” exercise.

As regards clarifying the difference between Scottish Ministers (the “Scottish Executive”) and Scottish Executive civil servants, the relationship between the two is the same as the relationship between the UK Government and UK Government civil servants. We do not believe that this would be made any clearer by a change in name.

In relation to recommendation 106, any proposals which would require changes to the Scotland Act would of course be a matter for the UK Government and Parliament to consider. The Executive for its part is not persuaded that there is a case for any such change to be prioritised.

The role of MSPs

- **Recommendation 107**: We consider that the Parliamentary authorities should issue clear guidance to inform constituents of what representations they can expect MSPs to make on their behalf, both in influencing decisions on individual constituents' issues, such as representations to health authorities, and in influencing political decisions. We recommend that the guidance should also refer to the responsibilities of MPs, MEPs and local councillors, subject to relevant discussions with representatives of all, in order to clarify for constituents how they are represented at all levels, and assist them in identifying which representative is in the best position to address their needs and interests.
• **Recommendation 108:** We recommend that existing guidance should be reviewed by the Parliamentary authorities, and extended to clarify the various roles of MSPs, and that consideration should be given to how any guidance agreed could be disseminated widely outside the Parliament.

• **Recommendation 109:** The importance of recognising the interests of backbenchers has been raised in evidence from the SPCB. We discussed this at length, including the practicalities of a Backbench Group and backbench representation on key Parliamentary bodies, but arrived at no consensus. We were however keenly aware of the importance of the issue and, as a first step, we recommend that the Presiding Officer should take steps to ascertain the views of backbenchers. We recommend that this should be done quickly.

• **Recommendation 110:** We do not make definitive proposals for the frequency, purpose and composition of regional meetings, but we do recommend the principle of local meetings. We also recommend that the SPCB should consider how it could facilitate and resource such meetings, in order that MSPs are able to develop the principle into practice where a local demand exists.

Recommendations 107 and 108 are of course matters for the Parliament.

Recommendations 109 and 110 are matters for the SPCB and the Parliament as a whole to consider. However, the Executive notes that backbenchers are represented on the Parliamentary Bureau by their party’s Business Manager, and in the case of independent members, by the Presiding Officer. The Executive believes that this is the proper forum for concerns to be raised about Parliamentary business.

**Public petitions**

• **Recommendation 111:** We recommend that the Public Petitions Committee (PPC) - as the lead body in the Parliament for developing and processing petitions - should publish a development plan to extend the use of the petitions system in a measured, realistic and effective way. Access to such a plan should be made available to the public and comments sought on a continuing basis. The plan should be updated as 'milestones' are passed.

• **Recommendation 112:** We recommend that high priority should be attached to ensuring that all electronic arrangements for petitions are housed on the Parliament's own website; and that the numbers of petitions submitted electronically should be quantified and monitored by the PPC.

• **Recommendation 113:** We consider that it is very important for the subject committees to continue to deploy their specialist expertise in considering petitions, and to allocate sufficient time in their programmes to do so. If their role were to diminish or disappear, the key link between petitions and other work of subject committees would be broken, to the probable detriment of both committees and petitioners. We therefore recommend strongly that the 'mainstreaming' of petitions in the Parliament should be maintained.

• **Recommendation 114:** We recommend that the PPC and the subject committees, through the Conveners' Group, should reach agreement for the PPC to undertake more inquiries itself, and bring forward proposals for any changes to the Standing Orders (Rule 6.10 and Rules 15.4, 5, 6) which may be required.
• **Recommendation 115**: We recommend, in the interests of transparency, that Rule 15.6 should be amended to make explicit the ‘joint ownership’ of petitions, between the PPC and subject committees. We are aware of considerable progress made in this area through the Conveners’ Group, and we invite the Group to agree with the Petitions Committee an appropriate formula for revised Standing Orders.

• **Recommendation 116**: We recommend that, where a subject committee is discussing a petition, the petitioner should invariably be notified and invited to all of the relevant sessions, and should be invited to make a brief oral contribution on the record as a witness, at an appropriate stage in the consideration of the petition. We suggest that this would add only a little to the length of subject committees’ proceedings.

• **Recommendation 117**: Petitions can on occasion take a considerable time to bring to conclusion. We consider it is of particular importance that petitioners whose petitions are likely to take a greater than average time to deal with should be kept in touch with progress periodically by the PPC. We recommend as a matter of routine that petitioners receive regular feedback from the clerking team supporting the PPC on the progress of their petition, and that standards of feedback are developed and published so that petitioners will know the level of service to which they are entitled.

• **Recommendation 118**: As there seemed to be confusion on the part of some petitioners, we recommend that the PPC should amend its guidance leaflet to ensure that potential petitioners are aware of their freedom to submit a second petition; and also should expand the leaflet to explain the process of referring a petition on to another Parliamentary committee, and what that might entail. We recommend that the guidance leaflet should be translated and made available in the languages used by significant ethnic groups in Scotland.

• **Recommendation 119**: We recognise that the PPC does not have the power to enforce its decisions or those of any other committee. We do believe, however, that the reports and recommendations of a committee of the Parliament can carry considerable moral authority, and we recommend that the PPC should follow up the outcome of such recommendations as it might make, as this action may encourage the recipient of the petition to act on its recommendations.

• **Recommendation 120**: We recommend that each subject committee should report on its petitions activity in its Annual Report, and that Rule 12.9 of the Standing Orders should be amended to place this requirement on all subject committees.

• **Recommendation 121**: We recommend that the PPC should publish annually a report on progress on petitions, and that consideration should be given to whether the PPC's report has identified issues which should be debated in committee time in the Chamber; and that a proposal for changes to Standing Orders to give effect to this recommendation should be brought forward in due course.

• **Recommendation 122**: We recommend that a range of techniques could be considered to publicise petitioning, such as more PPC meetings outside Edinburgh, media publicity, using former petitioners as a resource to publicise the system, the use by PPC members of other civic participation events, and informal meetings convened by PPC members around Scotland.
• **Recommendation 123:** We were advised that resources available to the PPC are insufficient for the present scope of operations. It is not part of this inquiry's remit to discuss the detail of resources available to other committees, but we are conscious of resource constraints on expanding the current service to any significant degree. We recommend that the SPCB should make additional resources available to ensure that the PPC is able to carry out the additional work which is likely to be generated by the recommendations set out in the foregoing paragraphs.

• **Recommendation 124:** We recommend that the PPC should conduct a review of the way these new arrangements have worked at an appropriate point, perhaps 3 years after the creation of any Petitions Development Plan.

The Executive believes that the facility to petition Parliament is a popular means of civic engagement with the people of Scotland. Executive and Parliamentary officials are currently considering ways in which the Parliament and the Executive can improve the way in which petitions are handled, with a view to developing guidance for both organisations.

**Consultation, pre-legislative scrutiny and the development of policy**

• **Recommendation 125:** We recommend that no initial consultation by any Parliamentary committee or body on any non-legislative matter should normally contain a deadline for responses of fewer than eight weeks. Where it proves impossible to meet this target, the committee or body should provide a clear explanation for this in the consultation document.

• **Recommendation 126:** We recommend that, where a second or subsequent consultation on substantially the same subject is issued, the deadline for this should normally be four weeks.

• **Recommendation 127:** We consider that it is very important for those being consulted to understand at what stage of the policy process a consultation is taking place. This will enable them to 'pitch' their contribution appropriately - if they choose to contribute. It will also enable them to gauge more accurately the impact on policy which any contribution of theirs might have. We recommend that the Executive and the Parliament, whenever they initiate consultation, should invariably make the policy position clear in the consultation documentation, so that those responding to the consultation are entirely clear about what decisions they might be able to influence.

• **Recommendation 128:** We recommend that the Executive should go further in developing the Task Force concept, encouraging them, where appropriate, to invite participation by MSPs, including members of non-Executive parties (although we recognise that there would be circumstances where such parties would not wish to participate, where they felt that they would be likely to be critical of the thrust of the legislation, or withdraw where they felt that they could not support the emerging recommendations). We consider that developing participation along these lines would build cross-party support for the recommendations of Task Forces, and develop means of co-operation in policy development which do not compromise MSPs' essential political identities.

• **Recommendation 129:** We applaud the introduction of such innovative consultation practices, and recognise that it might be used to cast the net of participants in policy creation
more widely. We recommend that the Executive should develop this co-operative means of policy creation as a priority.

- **Recommendation 130**: There may be scope for the Executive and the Parliament to discuss co-operative working here. If there were to be a system of pre-notification by the Executive to the Parliament of consultations on legislative proposals and work programmes in general, and an earlier identification of lead committees (all assisted, perhaps, by the earlier suggestion of an annual Parliamentary outline business programme), it may be possible to devise a single consultation exercise, to the benefit of consultees, by enabling a longer response deadline, and to those consulting, by streamlining existing practices. We recommend that the Executive and the Parliament should consider the possibilities for so streamlining their consultation processes.

- **Recommendation 131**: More generally, we think it will be very important to the continued drive for co-operative government between the Executive and the Parliament and the development of better government, for the work plans of the Executive and the Parliament, to be co-ordinated where possible in order to ensure that the opportunities for consensus working across all areas of government, policy and legislation, are identified. We recommend that the Scottish Executive and the Parliamentary authorities should discuss how this might be taken forward.

As regards recommendation 125, which is of course for the Parliament itself, the Committee may wish to note that the Scottish Executive Good Practice Guidance on Consultation makes it clear that it is Executive policy to allow a minimum of 12 weeks for responses to a consultation, except in exceptional circumstances. Wherever such “exceptional circumstances” arise a clear explanation for the shortened period should be included in the consultation document. The Executive’s guidance also recommends issuing prior notice of forthcoming consultations to consultees wherever possible.

The Executive notes recommendation 126, but would comment that imposing a 4-week deadline, albeit for second or subsequent consultations, could have substantial implications for the ability of external organisations to consult interested parties.

The Executive welcomes recommendation 127 as good practice in consultation. The Scottish Executive Good Practice Guidance on Consultation indicates that consultation papers should provide the full policy context and the scope (and limits) of the exercise being undertaken. The Executive keeps all of its consultation processes under review to see whether any further improvements can be made.

In relation to recommendations 128 and 129, the Executive has used several different participatory mechanisms for developing policy and legislation since devolution, including Task Forces. We are currently conducting research into policy making within the Executive which should offer some useful insights into how well different mechanisms are perceived to operate, and into stakeholder engagement more generally.

The Executive is fully committed to open and inclusive consultation and would be willing to consider options for streamlining consultation processes through co-operation with the Parliament (recommendation 130).
The Executive would be happy to consider with the Parliamentary authorities whether there are opportunities for the Executive and the Parliament to work together more effectively (recommendation 131).
FUTURE ACTIVITY: SELF ASSESSMENT AND MONITORING

• **Recommendation 132**: We recommend that our successors on this committee should not attempt a full annual review of the application of the CSG principles. Instead, they should consider whether the principles remain valid, or require refinement, and they should review particular aspects of their application, with a view to producing shorter and more focussed reports. Any such reports should be considered for debate in the Parliament.

• **Recommendation 133**: We have considered suggestions that the review of the application of the CSG principles should be undertaken by an outside body, such as the Scottish Civic Forum. While we would welcome any work by outside bodies to contribute to the Committee's regular reviews of the application of the principles, we recommend that the process of reviewing the application and development of the key principles should remain the business of the Parliament, and should be considered the responsibility of this Committee.

• **Recommendation 134**: In addition, therefore, to the valuable, traditional methods of gathering evidence through written memoranda, witness sessions and public meetings, we recommend that our successors on this Committee should establish a regular convention or Chamber event, along the lines of those held by some other committees. Such events should be open principally to participants from outside the Parliament, but should include MSPs and their staff and Parliamentary staff, and the proceedings of such civic participation events should inform the reports of the Committee.

• **Recommendation 135**: The CSG principles have already been adopted, and adapted, by the Parliament, and we are certain that they will evolve significantly in the future. We therefore recommend that the four principles:

  • 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 operations and its appointments should recognise the need to promote equal opportunities for all
  • 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 embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive should be known and understood as the Parliament's principles, and that our successors on this Committee should review them on that basis.

The Executive agrees that the CSG principles should continue to inform the work of both the Executive and the Parliament, and that opportunities should be found to take stock of progress from time to time. For its part, the Executive will continue to play its part by working closely with the Parliament, its Committees and other stakeholders; and we will continue to do everything we can to reflect the CSG principles in every aspect of our work.

The Executive congratulates the Procedures Committee on the detailed and thorough inquiry it has carried out into the operation of the founding principles, and looks forward to working
constructively with the Committee and the Parliament as a whole as it pursues the various further areas of work it has identified for action in the new session.

Scottish Executive
August 2003
PROCEDURES COMMITTEE

Inquiry into Oral Questioning

Note by the Clerk

The Committee agreed at its 2nd meeting to conduct an inquiry into oral questioning, following up the more specific initial inquiry into the duration and timing of First Minister’s Question Time.

The Convener authorised the issuing of a press release and call for evidence (attached) early in the summer recess. An initial deadline of 1 September was set for the submission of written responses to a range of general questions. So far, one response has been received, from the Scottish Council for Voluntary Organisations (circulated separately).

Current Rules and practices

As members are aware, the Rules currently provide for a weekly Question Time session of up to 40 minutes and a weekly First Minister’s Question Time of up to 30 minutes, both normally on Thursdays. The Presiding Officer selects up to 6 questions for FMQT from among those lodged (between the end of the previous FMQT and the end of the 3rd day beforehand). Up to 30 questions for Question Time are selected randomly from among those lodged (between the end of the last-but-one Question Time and the 8th day beforehand). Each member may lodge only one question for each Question Time and each FMQT. Separate procedures are available for emergency questions.

Questions for Question Time and FMQT are printed in the Business Bulletin in the order in which they were selected (non-selected questions are not printed), and called in that order. The calling of supplementaries is at the Presiding Officer’s discretion, subject to a requirement that, at Question Time, the member asking the question is entitled to ask the first supplementary.

Underlying principles of oral questioning

Before the Committee considers the specific issues that arise in relation to oral questioning, it may wish first to consider some of the principles underlying this aspect of Parliamentary procedure.

The main functions of a Parliament are to legislate, to debate matters of public interest, and to hold to account the executive branch of government. A procedure for enabling members to question Ministers in the Chamber is one of a number of mechanisms available to fulfil the last of these main functions. Looked at from this perspective, then, questioning is principally about enabling opposition parties and backbenchers to critically examine and challenge the policies and actions of Ministers.
Looked at in a slightly different way, however, the basic purpose of asking a question is simply to obtain information. But if questioning was restricted, in the Parliamentary context, strictly to the eliciting of facts, its usefulness as a mechanism for holding the Executive to account would arguably be fairly limited compared to other such mechanisms (such as Chamber debates and committee evidence-taking).

There is therefore a tension in the idea of Parliamentary questions between their role as a means of obtaining of information and their role as a rhetorical and political instrument. The Rules tend to reflect the former (in particular, one of the criteria of admissibility for a question is that it should “not express a point of view” (Rule 13.3.3(f)); whereas the practice makes more allowance for the latter. Arguably, the aim of a review of these procedures should not be to resolve this tension in favour of one model or the other, but to ensure that they are appropriately in balance – that there is, in other words, a “constructive tension” between the two.

The remainder of this paper sets out some of the more specific issues that the Committee might wish to consider in the context of the inquiry.

**Lodging periods and topicality**

At present, members have approximately four working days to lodge questions for Question Time (from the end of the Question Time 2 weeks earlier until 2 pm on the day before the Question Time one week earlier). Less advance notice is required of questions for First Minister’s Question Time, which may be lodged from the end of FMQT one week earlier until 2 pm three days beforehand – approximately two working days. Given that the process for selecting both types of question gives no preference to questions lodged earlier during the relevant period, and given members’ interest in ensuring their questions remain reasonably topical, there is unlikely to be any benefit in allowing questions to be lodged further ahead than at present.

More difficult is whether the minimum period of notice required is appropriate. Some period of time between the lodging deadline and the Question Time itself is needed to enable the questions to be processed by the clerks, selected and published, and to allow briefing material for Ministers to be prepared. Too long a period, however, makes it more difficult for topical issues that have arisen at short notice to be raised.

- Are members content with the current lodging periods provided in the Rules?

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1 According to the *Guidance on Parliamentary Questions* (3rd edition, May 2003), PQs “provide a means for members to obtain factual and statistical information from the Scottish Executive and the Presiding Officer. Although they are one of the ways in which individual MSPs can hold the Executive to account, they should not be used to make political statements” (para 2.1).

2 See also the previous Committee’s Founding Principles Report, para 469: “The written (and oral) PQ is not solely a device for extracting information and disseminating it. It is used for a political purpose which is to hold the Executive to account. For backbenchers, the objective of lodging a PQ may be as much to obtain a reply from the Executive on the record as to obtain the substance of the reply. This essentially political aspect of PQs requires to be recognised.”
Brevity and relevance of oral questions and answers

All questions, when lodged, must “be brief … and address specific points … for which the First Minister, the Scottish Ministers or the Scottish Law Officers have general responsibility” (Rule 13.3.3(a)). The member, in asking the question, must not “depart from the terms of the question” – hence the original question must also be brief (Rule 13.7.7). Supplementary questions must be “only on the same subject matter as the original question”, and members asking them must “do so briefly” (Rule 13.7.8).

It is obviously a matter of judgement as to what qualifies as “brief” and what does and does not fall within the subject matter of the original question. However, there is at present no Rule that requires Ministers to give answers that are either brief or that respond directly to the question asked. In the absence of such a Rule, the Presiding Officer has little power to prevent Ministers from giving answers that are either unnecessarily long or that fail to answer the question.

• Are members generally content with the existing criteria of admissibility for questions (Rule 13.3.3)?
• Is there a case for including a Rule requiring the answers given by Ministers to be brief and relevant to the question?

Selection of questions for FMQT

The Rules do not prescribe how the Presiding Officer should select questions for FMQT. He has however set out the general criteria that he applies in doing so, namely:

• preference is given to topical questions and questions suitable for supplementary questions;
• reasonable political balance between the parties in their share of questions is maintained over time;
• questions from the opposition party leaders are taken first and second but otherwise “diary” questions on the lines of “To ask the First Minister when he last met X” are avoided;
• unnecessary duplication with questions already randomly selected for Question Time is avoided;
• subject to the above, account is taken of individual members’ previous record of selection for First Minister’s Question Time.3

Clearly, the way in which the Presiding Officer’s power of selection is exercised has a substantial impact on the overall nature of the event. The Committee may therefore wish to consider whether it recommends to the PO any alteration in the above criteria (recognising, of course, that the decision rests with him so long as the standing orders remain as they are). In particular, it may wish to address the concerns expressed by Dennis Canavan, who said that “even at Westminster, which is far from perfect as a model for parliamentary democracy, even the most humble back-bench member can ask the Prime Minister question number 1 … here [back-

benchers] have no chance of asking question number 1 and little chance of asking any other question.4

- Are members content to leave it to the Presiding Officer to select questions according to criteria he establishes?
- Does it endorse the Presiding Officer’s practice of routinely selecting questions by the leaders of the main opposition parties as the first two or three questions, with questions by backbenchers only being selected for later in FMQT?

**Thematic or departmental Question Time**

The First Minister has suggested that Question Time might be changed from an event that covers all areas of Executive responsibility each week to one arranged thematically, with questions on particular subject-areas or to particular Ministers taken on different weeks. The Minister for Parliamentary Business is currently developing the Executive’s more detailed proposals about how this might work.

Perhaps the most likely option is to have a fixed rota of departments announced in advance. That would need to give higher-profile departments such as Health a larger proportion of the overall time allocated in the rota compared with departments that generally attract fewer questions – either by having the higher-profile departments feature more often or by allowing them more time when they do feature. There may also need to be some facility for adjusting the rota in response to variations in demand (e.g. the questions about health may increase during the passage of a health-related Bill, or when there is a hospital crisis).

Another issue likely to arise is how any system that allows oral questions to each department only once every few weeks retains some allowance for topical and important questions to Ministers whose departments are not featured that week.

**Selection of questions for Question Time**

Questions for Question Time are selected randomly, by the Clerks. This has a number of clear advantages – it is simple, fair and objective. However, it is also arbitrary and makes no allowance for topicality, party balance or a member’s record in having questions selected on previous occasions. Although it may be expected that, by virtue of the law of averages, members who lodge a question every week will achieve similar success-rates in being selected over time, there are also likely to be many short-term anomalies, with some members being unsuccessful week after week and a few perhaps being lucky on consecutive occasions.

- Is the random selection process for Question Time the best available option (assuming that, even if there is to be a move to a thematic Question Time, there will still be a need to select from among the questions lodged on that week’s theme)?

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4 Comments made during the debate on the Committee’s 1st Report, 3 September, Official Report col 1307.
• What alternatives might there be – e.g. selection by the Presiding Officer, or even a limit power by the PO to intervene when the random selection produces apparent anomalies (such as multiple questions on related topics)?

Open questions at FMQT

The current practice at FMQT is that the leaders of the two main opposition parties lodge each week the same formulaic questions, which the PO then selects as 1st and 2nd Questions each time. The two most common variants are:

• John Swinney – To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise.
• David McLetchie – To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive’s Cabinet.5

These are “open” (or “diary”) questions in the sense that, while they conform to the letter of the Rules by raising specific points and being about matters for which the First Minister has general responsibility, they are also sufficiently general to allow more-or-less any question to be asked as a supplementary.

A principal purpose of lodging such a question is to avoid giving any advance notice of the “real” question (i.e. the first supplementary), no doubt partly in the hope of catching out the First Minister with a “surprise” supplementary. Arguably, therefore, such questions run counter to the spirit of the Rules, which require advance notice of oral questions to be given. Because the lack of notice makes it difficult for the First Minister to have detailed factual briefing available, the usefulness of FMQT as a mechanism for eliciting information is thereby reduced. But against this, it can be argued that the topicality and sense of occasion, which make FMQT a main focus of media and public attention and give it a clear political “edge” that Question Time often lacks, are enhanced.

The first issue, therefore, is whether FMQT currently strikes the right balance between providing an opportunity for information to be sought and ideas to be tested and providing an arena for a “battle of wits” between the main party leaders. One argument would be that the existing Rules need to be more strictly enforced and the use of open questions prohibited (which could be done by changing the Rules on admissibility of oral questions, or simply by the PO declining to select them). This, it could be claimed, would make the Executive more accountable, and improve the standing of FMQT with the public, who are unimpressed by a partisan, point-scoring style. The other argument, however, is that prohibiting open questions would rob FMQT of much of its spontaneity and interest. The ability of opposition party leaders to ask supplementaries on whatever they consider to be the burning issues of the day is seen as essential to making FMQT the highlight of the Parliamentary week for members and public alike. The surprise element in questioning, on this view, makes the occasion a real test of the quick-wittedness and general grasp both of the First Minister and his interrogators – and hence a crucial barometer of their overall standing and credibility.

5 Other variants have been used – in particular, to ask the First Minister “when he last met the Secretary of State for Scotland and what issues they discussed”, frequently asked by Alex Salmond and David McLetchie from early in Session 1.
• Are members broadly content with the current arrangements and the balance it strikes between open questions from the main opposition party leaders and closed questions from other members?
• Should the leaders of the smaller parties also be able to ask such questions (perhaps on a rota basis)? Should open questions from backbenchers also sometimes be selected?

Even if the overall balance is roughly right, it may be worth reconsidering the use of the open question as the device currently used to give opposition party leaders a privileged opportunity to question the First Minister. There seems to be something inherently undesirable about a Parliamentary process being regularly gone through simply as a procedural technicality, a way of circumventing a requirement in the Rules. If the desired outcome is to enable opposition party leaders (or all members) to ask the First Minister questions of which no notice has been given, would it not be better simply to have Rules that permit this?

That could be achieved by no longer requiring advance notice to be given of some or all of the oral questions lodged for FMQT. This would avoid the need to have time taken up at FMQT with the asking and answering of the formulaic opening question. It would also increase transparency, by making both the Rules and the Business Bulletin a better guide to what actually happens on the day.

It is sometimes claimed that open questions by party leaders provide a platform for backbenchers to ask supplementary questions on more-or-less any subject, which they would not be able to do if every question selected by the PO was on a specific topic. In practice, however, backbenchers are able to ask such supplementaries only rarely. It could also be argued that their ability to do so detracts from the overall coherence of the occasion and is an unfair circumvention of the process whereby topics for questioning are selected in advance.

• How useful to backbenchers is their ability to ask supplementaries on topical issues of their choosing on the back of open questions asked by opposition party leaders? Is there an alternative mechanism to enable such topical issues to be raised that would be equally or more effective?

Supplementary questions at Question Time

At Question Time, the member who asks the original question has the right to ask one supplementary, and other members have a right (subject to the PO’s discretion) to ask further supplementaries (Rule 13.7.5). This is, in practice, generally applied – the member asking the original question is always given the opportunity to ask one supplementary, but only rarely a second. Usually, at least one supplementary by another member is asked on each question.

• Would there be merit in giving the original questioner the right to ask the final supplementary on each Question? To ensure that other members’ ability to ask supplementaries is not compromised, this final supplementary could be instead of

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6 The Presiding Officer selected an open question from Robin Harper as Q3 at FMQT for 4 September 2003.
(rather than in addition to) a second initial supplementary. (A Rule-change would not necessarily be needed; this could easily just involve a change of practice on the part of the PO.) This would help to ensure that the original questioner retained a sense of “ownership” of the question, and would give him or her some time to formulate a more considered second supplementary, taking account of the Minister’s answer to the first.

Supplementary questions at First Minister’s Question Time

At FMQT, the member asking the original question has no specific right to ask a supplementary – the Rules only provide a general right to “any member” (subject to the PO’s discretion) to ask supplementary questions (Rule 13.7.6). However, the practice is that the main opposition party leaders are usually allowed to ask two or even three supplementaries to their own questions (Questions 1 and 2), while the members asking the remaining questions (Questions 3 – 6) always get one supplementary (occasionally two). Members other than the original questioner are almost never called to ask supplementaries to Question 1 (John Swinney) and it is only since the beginning of this Session that another member has regularly been called to ask a supplementary on Question 2 (David McLetchie).

- Should the Rules be amended to provide questioners at FMQT the same guaranteed right to ask one supplementary as questioners at Question Time have? (This in itself is unlikely to have any effect in practice, but would at least ensure that the Rules better reflect existing practice and that the apparent anomaly between Question Time and FMQT in this respect is removed.)

- Are there other changes of practice that could be recommended to the Presiding Officer in how he exercises his discretion in calling supplementary speakers?

Emergency questions

Rule 13.8 provides a means for questions “of an urgent nature” to be lodged up to 10 am on a day the Parliament is meeting for answer later that day. If the PO agrees to take the question, he can alter the daily business list to make time for it, and it is then subject to similar procedures as other oral questions.

In practice, such questions have been lodged on 47 occasions, but taken on only 4 occasions. It may be that, if it was decided to restrict the use of open questions, this Rule would have to be used more frequently. This might require some alteration to the Rule, or just an alteration by the Presiding Officer in how he decides whether to take such questions when they are lodged. The impact of more frequent last-minute alterations to the daily business list would clearly have to be taken into account.

Conveners’ questions to the First Minister

The First Minister has suggested that committee conveners could have a twice-yearly opportunity to question him in public. It is understood that he envisaged this being at meetings of the Conveners’ Group (rather than in the Chamber). The suggestion may have been prompted by the recent decision in the House of Commons to hold twice-yearly meetings of the Liaison Committee (which consists of
all select committee chairman) at which the Prime Minister answers questions by committee chairmen. It is understood the Committee meets beforehand to agree the general areas of questioning, but no notice of the actual questions asked is given to the Prime Minister.

The Conveners’ Group’s role is set out in Chapter 6A of the standing orders. It consists of the Presiding Officer (though in practice the PO delegates the chairing of the Group to one of the DPOs) plus the conveners of all the mandatory and subject committees (Rule 6A.1). Its functions are “to consider and make recommendations in connection with the operation of committees” together with being consulted or helping to decide matters relating to committee remits, joint meetings, committee travel etc. (Rule 6A.2.1). It is not subject to the normal Rules about the operation of committees (Rule 6A.2.2) and “normally” meets in private (Rule 6A.3.2). It may invite other MSPs to attend and participate in its meetings (Rule 6A.3.6).

Some alterations to these Rules are likely to be necessary to enable the Group to hold regular (albeit infrequent) public meetings envisaged by the First Minister – in particular, the right to conduct such questioning would need to be added to its list of functions, and this function would need to be exempted from those normally carried out in private. Rule 16.5 would also need to be amended to enable an Official Report to be taken of the questioning of the First Minister.

Among the other issues which could arise are:

- whether the Group’s questioning would be modelled on Question Time in the Chamber or on normal committee evidence-taking, or on some other model;
- whether conveners would be required to lodge questions in advance and, if so, whether and how they would be published;
- whether each convener would be guaranteed at least one question, or whether, to enable more in-depth questioning, some selection of questions would be needed (e.g. by the Deputy Presiding Officer who chairs the Group);
- what limits there should be on the scope of questioning – for example, whether each convener could ask about any matter of Executive policy that falls within the remit of the relevant committee or only about matters directly related to work that the committee has undertaken or is planning to undertake;
- whether, and if so how, conveners would be expected to consult their committees on the questions to be asked;
- what supplementary questions would be allowed, and whether these would be limited to supplementaries by the convener who asked the original question (or other conveners of committees whose remits include the subject-matter of the question).

More generally, consideration would need to be given to how far it would be desirable to prescribe the nature of the proceedings (including the frequency and duration of the questioning) in the standing orders, and how far to leave it to the Group to determine.

- Does the committee wish to invite the Conveners’ Group to indicate whether it is in favour of the First Minister’s suggestion and, if so, its preferences in relation to the above issues?
PROCEDURES COMMITTEE

Oral questioning inquiry – possible witnesses

Note by the Clerk

The Executive – likely to be the Minister for Parliamentary Business
To explain the proposals made by the First Minister and to offer the Executive’s general view on the range of issues covered in the inquiry.

The Presiding Officer
To explain aspects of his role, e.g. in selecting questions for FMQT and in calling supplementary speakers, and to give a general Parliamentary perspective on the issues.

Parliamentary officials
Clerks from the Chamber Desk, to explain some of the practicalities about the lodging, admissibility and selection of questions.

The Conveners’ Group
The convener of the Group, or its clerk, to explain the Group’s view of the First Minister’s proposal to appear before it twice yearly.

External commentators
This could include persons suggested by the Scottish Civic Forum, or representatives of the media.

MSPs
Their views could be established via a questionnaire once the committee has itself formulated its views on specific questions to be asked.

The public
There could be a further general call for evidence, again once more specific proposals and options have been formulated.
SCOTTISH PARLIAMENT PROCEDURES COMMITTEE
INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Response from SCVO

Introduction

SCVO, as the umbrella body for voluntary organisations in Scotland, welcomes this opportunity for organisations working with the Parliament to feed their views into the Procedures Committee Review of Parliamentary Questions.

The voluntary sector sees itself as having a key role in informing debate in Parliament, bringing together individuals within communities who find it difficult to access conventional political channels, and enabling them to have a voice. The sector saw the establishment of a Scottish Parliament as a way to bring policy formulation closer to home, to give a voice to organisations working at the sharp edge of public policy. The sector was well represented in the responses received by the CSG to their consultation paper of May 1998, and many of the key themes in voluntary sector submissions were reflected in the CSG report. Voluntary organisations remains keen to see the advancement of the CSG recommendations kept to the fore in the review of any parliamentary procedures.

As part of SCVO’s work to support voluntary organisations to interact with the Parliament and Executive, our Parliamentary Information and Advisory Service convenes a Third Sector Policy Officers’ Network, which has a remit to enhance information-sharing and good practice among those in the sector working with the Parliament, and to flag up concerns around Parliamentary procedures. SCVO has consulted with the Policy Officer Network in the drafting of this document.

First Minister’s Question Time (FMQT)

- Should questions by the main opposition party leaders continue routinely to be selected for every First Minister’s Question Time – and should this be extended to include the leaders of the smaller parties on some proportional basis?

While First Minister’s Question Time is of its nature very party political and so generally of less interest to voluntary organisations than other forms of parliamentary questions, we believe it is in the interest of the new Scottish Politics and of the power sharing principle in particular, that all party leaders should be given regular opportunity to question the First Minister, including the leaders of smaller parties, on a proportional basis. As the numbers of parties will vary in different sessions of the Scottish Parliament, there should be some
flexibility about the length of First Minister’s Question Time, so that the opportunity for backbenchers to also question the First Minister on topical issues is not lost.

- Alternatively, should only backbench questions be selected, on the understanding that party leaders would then be called to ask supplementaries?

A flexible system that allowed the parties themselves to decide when a question should be put by the party leader or when by a spokesperson on a particular issue would be preferable. With the changing face of Scottish Politics, not all political parties will necessarily have a party leader as such. Questions by backbenchers would need to be flagged in some way so that they are recognised as the ‘party question’ and prioritised.

- At FMQT, should the main opposition party leaders continue to be able to ask “open questions” (i.e. very general questions about the First Minister's diary commitments, which enable almost anything to be raised in a supplementary question and which represent an element of surprise)? If so, should other party leaders or backbenchers also be able to ask open questions?

It needs to be considered that if the flexibility of the open style of questioning were to be removed, there would be less opportunity for topical questions. While topicality is frequently used for party political ‘point-scoring’, it can also allow for more effective scrutiny.

Question Time

- Should Question Time continue to cover all areas of Executive activity each week, or should a thematic element be introduced, with some or all of the allotted time reserved for questions on particular subjects, or to particular Ministers?

There could be a danger, in having a thematic element introduced to Question Time, that some issues not considered a primary policy area, or not fitting easily into a theme, might be lost. The logistics of dividing Question Time up into themes based on ministerial portfolios, and still allowing for topicality could also be difficult. For example, there may be some weeks when health issues are raising a lot of questions, other weeks when members have a number of questions for the Minister of Communities. A more limited opportunity for topical questions to be asked, and a narrowed range of matters on which questions may be asked in any particular week would not be ideal for effective scrutiny and accountability.

- Should questions for Question Time (whether it remains general or becomes thematic) continue to be selected on a purely random basis?
A random selection of questions would be preferable, to ensure that all questions have an equal chance of being answered orally. But given that all questions lodged require an answer, it also is important that all admissible questions lodged but not answered orally, including those not selected, are then treated as written questions and published with the answer in the Written Answers Report.

General

- Should the member asking a question always be able to ask the first (and perhaps also the last) supplementary?

This would give the questioner the opportunity to make sure their question is answered in full and that they can discuss matters arising from the answer.

- What are the ways in which an appropriate balance can be struck between the benefits of having advance notice of what questions to be asked and spontaneity and topicality?

As the purpose of questions is to elicit information, it is important that advance notice of questions is given. With the current system there is a balance between the advance notice of the Executive oral questions, which need to be lodged at least eight days in advance, and which are published six days in advance, and the First Minister Questions, which need to be lodged only three days in advance and may be open enough to allow a particularly topical line of questioning, but which may also foster a more confrontational exchange.

- Should Ministers be under an obligation to keep their answers brief and relevant to the question asked?

For reasons of accountability, ministers should be under an obligation to give an answer that is relevant to the question asked. The same is required of MSPs asking supplementary questions. Some flexibility as to the length and detail of the response is desirable, as this also should be appropriate to the question asked.

New Opportunities for Questioning

- Would there be merit in providing a regular (perhaps twice-yearly) opportunity for committee conveners to question the First Minister at a public meeting of the Conveners’ Group?

Voluntary organisations work closely with the parliamentary committees and we would welcome the opportunity for committees to have the opportunity, through their conveners to question the First Minister on a regular basis. This increased opportunity for scrutiny would be a progressive step in increasing the accountability of the Executive to the Scottish Parliament and through the committees and their conveners, to the people of Scotland. We agree that these meetings should be held in public and suggest that they be held quarterly.
• Should there be more regular opportunities for oral questions addressed to the Presiding Officer and other members of the Parliamentary corporation (SPCB)?

We don’t see a reason why this would be necessary.
Dear Ian,

I note from the official report of your committee meeting on 24 June and the press release of 18 July that the Procedures committee has agreed that its next inquiry would be on question time issues in the Parliament.

I should be grateful if, as part of your inquiry, the committee would consider a change to the existing Standing Orders to enable the SPCB to reply to oral questions at regular sessions in the chamber. To make the SPCB more transparent and accountable to Members, individual SPCB Members now have responsibility for answering written questions on issues within the respective portfolios they oversee.

The SPCB has agreed that it would be helpful if the arrangements that have been put in hand for written questions could be extended to oral questions. At present, Rule 13.9.2 of Standing Orders allows for questions to be asked of the SPCB for oral answer, although this is only on an exceptional basis. I consider that a more regular slot, possibly monthly or every 6 weeks, of around 15 minutes would be helpful to improve the SPCB's accessibility to Members. This would therefore not be on an exceptional basis and a change would therefore be necessary to standing Orders. I would be grateful therefore if you could agree to look at this as part of your inquiry.

Yours sincerely,

GEORGE REID
PROCEDURES COMMITTEE
REPORT ON ALLEGED LEAK OF DRAFT REPORT
ON FIRST MINISTER’S QUESTION TIME

ISSUE
1. The Procedures Committee decided at its meeting on 25 August 2003 that it wished to investigate whether and how the draft report on First Minister’s Question Time had been leaked. That report was the first report of the new Procedures Committee and it was agreed that the leak could be seen as setting an unfortunate precedent. This report sets out the circumstances surrounding the issue and seeks the Committee’s views on how it wishes to take this forward.

THE DRAFT REPORT
2. The draft report, paper PR/S2/03/3/1, was issued to Members of the Committee and to the Clerks and legal adviser only in hard copy on Friday 15 August 2003 marked PRIVATE PAPER – MEMBERS ONLY and copied on yellow paper to distinguish it from the other committee (non-restricted) papers for consideration at the committee meeting on 25 August 2003. The Committee had agreed previously that this meeting would be held in private, as the main item for consideration was the draft report on First Minister’s Question Time.

PRESS REPORT
3. An article appeared in the Sunday Times on 24 August 2003 (the day before the private meeting) under the title “Question Time to miss midday slot” going on to say “Jack McConnell has failed in his attempt to move first minister’s questions to a lunchtime slot....A draft report to the procedures committee will recommend that question time starts an hour earlier, at 2pm, and that the session is extended from 20 minutes to 30 minutes to allow more questions.”

4. The clear inference is that the author of the article had either been given sight of the Committee’s private draft report, or had been briefed by someone who had access to the draft report who had disclosed the draft recommendations due to be discussed by the committee.

CONFIDENTIALITY
5. Members are aware that in terms of the Code of Conduct for Members of the Scottish Parliament para 9.4.2, all drafts of Committee reports should be kept confidential unless the Committee decides otherwise. Para 9.4.4 states that “such documents should not be circulated, shown, or transmitted in any other way to members of the public, media or to any member of any organisation outwith the Parliament, including the Scottish Executive, nor to other MSPs who are not members of the Committee.” Disclosure by any committee member therefore represents a breach of the Code.
6. Complaints concerning the conduct of Members in relation to their Parliamentary duties are investigated by the Standards Commissioner under the Scottish Parliamentary Standards Commissioner Act 2002.

SUBSEQUENT PRESS REPORTS

7. Following the Committee’s private meeting on the morning of Monday 25 August 2003, a number of further press reports appeared. The Press and Journal stated

“A Committee of MSPs decided yesterday that First Minister’s Questions should be moved to noon, as favoured by Jack McConnell. The backbench procedures committee supported the change on a split vote during an away-day meeting, it is understood”

The Courier also included a similar article including the exact wording quoted above. This suggests that the two articles were based on the same source.

8. The formal Minutes of the meeting published on 26 August 2003 do not make any reference to the recommendations made or the manner in which that decision was reached by the Committee. The article must therefore have been based on information provided by someone who was at the meeting.

9. The only attendees at the meeting were the seven members of the Committee, the four members of the committee clerking team, a member of the Parliament’s Legal Directorate and a member of the Broadcasting Office.

CONCLUSION

10. While it seems clear that information about the content of the draft report and the Committee’s private consideration of it has been leaked to the press on two separate occasions, there is no clear evidence of who was responsible or how it occurred (i.e. whether it was deliberate or inadvertent disclosure).

11. In order for a complaint to be deemed admissible and allow investigation by the Standards Commissioner, there is a requirement under the Scottish Parliamentary Standards Commissioner Act 2002 that the complaint must be against a named Member.

12. At the meeting on 25 August 2003, when the Convener brought the alleged unauthorised disclosure to the attention of the Committee, all members had an opportunity to state whether they were aware of doing or saying anything that could explain the first disclosure. Any member who is now aware of anything they could have said or done that could explain either the first or second disclosure still has the opportunity to bring this to the attention of either the Convener or the Clerk.
13. As indicated above, complaints to the Standards Commissioner must name a Member. In the event that a complaint fails to name a Member, the Commissioner is required to refer the matter to the Standards Committee with a recommendation as to whether or not the complaint should nevertheless be investigated. In the first Parliamentary session in its 8th Report 2001, *The Investigation of Unauthorised Disclosures*, the Standards Committee indicated that in exercising its discretion as to whether or not a complaint concerning an alleged 'leak' which fails to name a Member should be investigated, it will invite the views of the Committee concerned. Specifically, the Standards Committee will wish to, not only receive details of the circumstances of the 'leak,' but also the other Committee Members’ views on whether or not it appears that an MSP is responsible for the 'leak,' an assessment of whether a full investigation is likely to be productive, and confirmation that an unauthorised disclosure has taken place or whether the press coverage could have been constructed as a result of guesswork from a journalist following the public proceedings of the Committee.

15. In the absence of having identified the sources(s) of the disclosure(s) the Committee is invited to decide whether it now wishes to refer a complaint to the Standards Commissioner.

*Clerk to the Procedures Committee*
Dear Mr Reid,

Thank you for your letter of 25 August.

It is useful to be aware of some of the work the Forum is undertaking to inform its members of what the Parliament is doing and to encourage participation in its work. I note in particular the facility you offer to assist committees in making contact with prospective witnesses in inquiries from among Forum members. I understand that the Clerk to my Committee has recently been in touch with your colleague Peter Reid in relation to the Committee’s current inquiry on oral questions.

You mention three specific matters that you would like to take forwards with the Committee.

The first is your suggestion that a member or members of the Committee might attend the meeting you are planning for late November to discuss the outcome of your “local participation summits”. My intention is to invite the Committee as a whole to consider this suggestion at its next meeting on 9 September. I will of course ensure that you are informed of the outcome of that discussion.

Your other two points relate to matters arising from the previous Committee’s report on the Founding Principles of the Parliament. The new Committee is conscious that this Report involved a substantial amount of work and is based on a great deal of valuable evidence, and is keen to find ways to put that work and evidence to good use where it can. But it is also conscious that none of its members was directly involved in the inquiry that led to that Report and that some of the issues have already moved on, particularly as a result of the changed composition of the Parliament this Session. Following a useful discussion at the Committee’s recent awayday, I am hoping to secure a debate on the Report in the Chamber in the near future. The main aim of the Debate will be to enable the new Committee to find out what the general view of other members is on the various issues raised in the
Report. That will then enable the Committee better to decide what aspects of the Report it wishes to pursue in its own work.

Can I suggest, therefore, that we wait until that Debate has taken place before considering further how to take forward the two points you mention?

In the meantime I will arrange for your letter and this reply to be circulated to the Committee for information, together with a copy of the Forum’s Civic Participation Charter.

Yours sincerely,

Iain Smith
Convener
CIVIC PARTICIPATION CHARTER

Introduction: the principle behind this Charter

At the heart of Scottish political and social life lies the principle that everyone should be able to participate in the development of the laws and polices which affect them. This principle is now firmly embedded in operation of the Scottish Parliament.

The creation of the Parliament was an important step in a long running process of creating a society in which everyone is able to participate. The next step in that process calls for careful attention to the details of how the new institutions support participation, so that the good work that has been done so far can be sustained and developed.

This Charter makes specific recommendations for change which will continue to improve participation. The recommendations are given in full below; a one-page summary of the most important ones will be drawn up for wider distribution.

The recommendations are split up into numbered sections. In each section, a specific problem or barrier is identified, followed by a recommendation for change.

SCOTTISH PARLIAMENT

Committees

Introduction

1 The largest proportion of the work of the Parliament is carried out by its committees. The committees play a crucial role in promoting participation. They have carried out a lot of good work so far, and it is essential that they continue to build links with civic society organisations and community groups in the new Parliamentary term.

Meetings outside Edinburgh

2 Before the Parliament was set up, it was hoped that its committees would promote wider engagement by meeting regularly in the regions of Scotland, in order that the Parliament should not be seen as belonging solely to
Edinburgh. However, less than 3% of the Parliament’s committee meetings have been outside Edinburgh, most of these in the central belt.

The Parliament’s committees should make greater efforts to meet in other areas of Scotland, and especially outside the central belt area. Parliament should actively encourage Committees to meet in locations outside the usual Parliamentary estate, by streamlining the approval process for these requests to travel and viewing them more sympathetically. The use of video links with remote communities would also provide mechanisms for people living across the length and breadth of Scotland to have access to Committee meetings.

It is recognised, however, that full, formal public meetings outside Edinburgh are not the only way in which committees have been engaging with the regions of Scotland, and may not be the most cost-effective. Committees should report formally on other ways in which they take their work outside Edinburgh. (See point 9.)

The annual trip by the Parliament to another area of Scotland should be retained once the Parliament moves to its permanent home at Holyrood.

Role of non-MSPs

3 The Scotland Act 1998 currently prevents non-MSPs from sitting on Parliamentary committees. It would be undemocratic to allow non-MSPs to sit on committees; however, the current arrangements reduce the sources of knowledge, values and experience available to committees.

Non-MSPs can be involved in a more limited capacity as advisors to committee enquiries; committees should use the advisor system to widen the skills and knowledge available to them. Advisors should be drawn from a wide variety of backgrounds, with particular attention to communities who are not formally represented in Parliament.

Committees should also be encouraged to look as widely as possible for evidence and to make the best use of rapporteurs and gateway organisations to include people - whether in existing groups or not - in the work of the Parliament.

4 Non-MSPs who wish to make amendments to Bills currently have to ask an MSP to table them on their behalf. Research suggests that, since it is the MSPs in Executive parties who have the best chance of having their amendments accepted, there is pressure on civic society groups to concentrate their engagement on Executive parties. As a consequence, the present system tends to concentrate power and influence in the Executive. This limits the number of effective routes for engagement that are available. However, to allow non-MSPs to table amendments directly may be undemocratic.
It is likely that an in-depth review of the legislative process will be carried out in the next Parliamentary term; this review should look at the possibility of designing a system for the tabling of amendments which addresses the above concerns.

5 People invited to give evidence in person to committees (called "witnesses"), are on the whole happy with the way these evidence sessions are run. However, the system is very formal and some people find the experience off-putting and intimidating.

Witnesses in committee sessions should be given more opportunities to talk to each other and more flexibility in how they join in the sessions. Witnesses should be given plenty of time to prepare for evidence sessions, and should be consulted about the topics to be covered. Consideration should be given to encouraging the attendance of MSPs/Committees/Scottish Executive representatives at community-organised events which use different ways of working and which might inform how a more user-friendly approach might be adopted to collect information and views. The methods for selecting groups and individuals to give evidence to committees should be made more transparent. It is not currently clear how interested groups can seek to give evidence if they have not been specifically invited to by the Committee.

Participation is about more than simply responding to consultation documents and attendance at such events would provide an additional opportunity for elected representatives to receive a wider range of information about issues of concern.

6 The Parliament, unlike the Executive, currently has no formal arrangement for working with the Scottish Civic Forum. A formal arrangement or concordat could be a good way for the Parliament to make use of the Forum to widen participation.

Parliament should work towards the development and conclusion of a concordat with the Civic Forum as a basis for widening engagement. This should not, however, be to the exclusion of other groups and networks who seek to participate in the work of the Parliament. The Parliament should make use of all the avenues for widening involvement.

*Legislative process, Parliamentary stages*

7 The timetable for Stage 2 of the Bill process is often very tight, and groups outside the Parliament are having difficulty finding the time to develop and promote proposals for amendments.

More time must be provided at Stage 2 of the Bill process, and in between Bill stages, for external groups to develop and promote amendments with MSPs. In particular, committees should only consider amendments which have been tabled at least a week previously, and the legislative timetable altered accordingly.
Except with regards emergency legislation, recommended minimum periods (not less than six weeks) for consultation at Stage 1 of the Bill process should be adopted, and there should be an increase in the statutory amount of time between each Bill stage.

Guidelines should be developed for committee responses to submitted evidence. All responses to calls for evidence should be acknowledged, and a digest of responses sent back to all contributors.

Giving oral evidence to a committee is one of the most significant ways of participating in the parliamentary process. However committees tend to decide early on who they will call to give oral evidence before they have issued the call for written comments and the circle of organisations who give oral evidence is relatively restricted to those who have established relationships with Parliament. Committees should develop a more transparent procedure for deciding who will be called to speak, and make this decision later in the enquiry process.

Annual Reports and Parliament Statistics

8 Some of the ways in which committees are promoting participation are not being fully recorded. For example, Parliament statistics only log full public meetings of committees outside Edinburgh, and the picture of engagement between committees and the regions of Scotland is in fact better than the record of full public meetings might suggest.

Committees’ annual reports and Parliament statistics should include sections on what committees have done to promote civic participation.

Equal opportunities

9 The profile of Equal Opportunities mainstreaming within the committees needs to be raised. Equal opportunities tends to be seen as a problem to be addressed rather than an opportunity for wider involvement and justice. A ‘hierarchy’ of equalities seems to operate where some equalities issues are viewed as more important than others. The Committees have an opportunity to promote a system and culture where equal opportunities is the norm, permeating policy and society at all levels and across all aspects of Scottish life.

All MSPs and support staff should be trained in how to ensure equality of opportunity for all, with respect to all aspects of their work.

Committees’ annual reports and Parliament statistics should include sections on what committees have done to mainstream equal opportunities.

Committee membership

10 Committees were intended to build up knowledge and experience in their specialised areas though stability and continuity in their membership. The
role of committee conveners is particularly important; conveners, as leaders within the Parliament, play an important role in establishing the Parliament's unique ethos and identity.

However, concerns have been expressed by representatives of civic society organisations that appointments to committees are influenced by internal political party considerations, and about the high turnover among committee member. Also, the use of the committee substitution system provides a constant, but relatively unremarked dislocation of committee members. This change in personnel runs counter to the aspiration that committees would build up knowledge and experience in their subject areas. It also causes problems for civic society groups who spend a great deal of time building up relationships with MSPs on specific committees on the understanding that the MSP will remain attached to a committee for some time to come.

To address these concerns, the Parliamentary Bureau (which proposes committee membership) should provide full transparency about the rationale behind the appointments of MSPs to committees.

The Procedures Committee or the Parliamentary Bureau should also consider, as a matter of urgency, how to design a mechanism which would limit the dislocation of committee members through both in the number of changes to committees during the year and through the substitution system, without impeding the normal functioning of the Parliament.

The Parliament should establish a convention on the minimum period of time committee conveners are expected to stay in post.

Private committee meetings

Civic society organisations have expressed concern over the amount of committee meetings that are held in private. Currently, Parliament standing orders allow committees to meet in private at their discretion. A Parliament spokesperson has said that committees have a general policy of meeting in private to discuss draft reports, lines of questioning for witnesses and future work programmes, and also matters that are commercially or legally sensitive. The level of privacy needs to be reduced, and civic society needs to be reassured that when private meetings do take place, they are fully justified.

Legally or commercially sensitive matters should certainly be discussed in private. However, draft committee reports should be discussed publicly, unless there is overwhelming reason to do otherwise, and draft reports at Stage 1 of the Bill process should under all circumstances be public. The Procedures Committee has shown the way forward by discussing its report on the application of the CSG principles in public, and this Civic Participation Charter has benefited from that openness.

Committees should only in exceptional circumstances meet in private to arrange questions for future witnesses. Planning of future business should be done in public session.
A cross party committee of backbenchers should review all requests by committees to hold meetings in private.

Public Petitions Committee

12 The Public Petitions Committee (PPC) of the Scottish Parliament is widely thought to be one of its most significant achievements in terms of civic participation. However, at present the PPC lacks power to take action on petitions itself: its role is to consider whether petitions are admissible and, if they are, pass them on to the committee or other body into whose remit the petition falls. The PPC also lacks the administrative resources needed to deal with any increase in the volume of petitions received, and it lacks the political power to ensure that petitions are given optimum attention by the subject committees it passes them on to. Some petitioners report dissatisfaction with the way their petitions are dealt with once they are passed on to subject committees or other bodies by the PPC.

The PPC should be given extra administrative resources to support the handling of more petitions, and to monitor the progress of petitions more accurately. Responsibility for monitoring the progress of petitions and communicating with the petitioner should rest with the PPC.

The PPC's powers to investigate petitions should be extended, in order that it can continue to reduce the burden on subject committees by assisting with enquiries.

Subject committees in receipt of petitions should, as a matter of course, invite the petitioner to give evidence to them.

The PPC should regularly report on the progress and successes of the petitions system to Parliament. In particular, Parliament should be made aware of any cases in which circumstances prevent an admissible petition from being properly considered.

13 The Scottish Civic Forum's Audit of Democratic Participation project found that the petitions process has worked well as a route into the Parliament from diverse geographical areas. However, it also found indications that there are gaps in the communities which are using the petitions process: the majority of petitioners are men, and there are as yet few petitions from members of minority groups.

The Parliament should introduce equal opportunities monitoring procedures to gather more accurate information about the gaps in the patterns of petitioning, and take appropriate steps to fill these gaps.

Education and public engagement

General
14 It is disappointing that the Parliament's management plan 2002/2003\(^1\) dealt with public participation under the heading of "promoting the Parliament." Participation should be considered important enough to warrant a unique category. It is also disappointing that the plan set no targets for developing initiatives targeted at public engagement. Despite this, committees and Parliament staff have carried out innovative work aimed at engaging the public.

The management plan 2003-2004 should draw from lessons learned about public engagement in the first term of the Parliament, and set appropriate targets for engagement.

Public participation should be a management goal in its own right, considered separately from "promoting the parliament." Participation is fundamental to forming good inclusive policies but real engagement with the Parliament will be hampered if there is not a culture of participation within communities. Consideration should be given to how such a culture can be fostered through, for example, citizenship education and links through the community planning process.

15 The Parliament runs an education service which is popular, and information on the Parliament is easily accessible through the Enquiry Service. However, a great deal more needs to be done in the way of educating people about Parliament, and it is crucial to build on the work done so far.

Parliament should put increased resources into the education service budget and expand the education work it has done so far. Parliament has significantly underspent in every year of its operation so far (£39.8m on running costs in 2001-02, which was £2.2m (5%) less than the available budget excluding reserves: from SPCB report 2002); this underspend should be directed towards education and participation projects.

Parliament should work in partnership with civic, academic and other partners to develop and provide funding for a research strategy aimed at targeting under represented groups and reversing the tide of disengagement.

The Parliament should consider taking education modules out to schools to help children to learn about the Parliament and to encourage them to take part in the political process when they are older.

Encouraging involvement of children in decisions within schools and in planning educational needs through education for citizenship programmes would encourage a culture of involvement which could encourage involvement beyond school age.

*Partner Library Network*  

\(^1\) http://www.scottish.parliament.uk/spcb/spar02-02_annexe_d.pdf
The Parliament distributes information about its activities to a network of public libraries in Scotland. This Partner Library Network is how the Parliament maintains a permanent presence in local communities. However, the Network has so far been little used and the Parliamentary materials it holds do not normally attract a high level of attention.

Parliament should build on the Partner Library Network to provide a stronger Parliamentary presence in local communities.

The materials held in the libraries need to be provided with an index, produced in a form suitable for use by the general public, and supplemented with more in-depth background material to allow members of the public quickly to access information on issues of concern.

Members of the Civic Forum should assist the Parliament staff to identify which issues need greater depth of coverage.

In parallel with the development of the Parliamentary materials held in the libraries, the Partner Library Network should be widely advertised and promoted.

Parliament and Civic Forum should work to link the Forum's local coordinator network (see point 28) with the Partner Library Network. The local coordinators should promote the library service, and use it as a resource for the organisations and groups with which they work.

Holyrood building

The new building at Holyrood represents a great opportunity to develop a high profile, well equipped, fully accessible Parliament. The current temporary accommodation on the Mound, though, has had the incidental benefit that MSPs have been physically very close to the public. It is important that this benefit not be lost once the move takes place to the new building.

A space within the new Parliament building at Holyrood should be designated for displaying information from the Scottish Civic Forum. In parallel with this, the Civic Forum should establish offices close to the Parliament for supporting civic groups who are visiting the Parliament. Properly equipped and accessible meeting rooms should be established in the vicinity of the Parliament for civic activity and meeting MSPs.

The Audit of Democratic Participation project found evidence that some public cynicism about the Parliament is caused by a lack of accessible information on what the Parliament does. The public needs a higher level of information about MSPs and how Parliament works. Some of the information that the public would find most interesting, for example regarding MSP voting behaviour, is on the website but effectively inaccessible due to the time needed to collate it into statistics.
The public needs to be provided with greater levels of information about their MSPs, in order to engender understanding about what powers MSPs have and to make the Parliament's internal affairs more transparent. The Parliament should strengthen its library information and education services. Collated information about MSP voting behaviour and parliamentary motions (already available in uncollated form through the Official Report) should be published on the Parliament website.

Use of information technology

Parliament is rightly lauded for its use of information technology to make itself widely accessible. This success, however, must not obscure the fact that there is very unequal access to the internet in Scotland. In 2000, people having easy access to the internet were in a clear minority. Although internet and electronic access is increasing, the Forum is aware from its own membership that there remain substantial gaps – 20% of Forum members, for example, do not have access to either the internet or to e-mail.

Further, there is no clear vision of where the developments in "electronic democracy" are heading. Information technology will create a more participatory democracy, but there are different models of participatory democracy, and greater thought needs to be given as to what type we wish to develop in Scotland.

The Parliament should continue to innovate in its use of information technology, in particular by adopting procedures for the effective use of the internet in the submission of petitions. However, this innovation must be matched by the fostering of a debate in civic society about what is the goal of this innovation.

Parliamentary business and ethos

Equal opportunities

Although Equal Opportunities is one of its core principles, Parliament did not have, in its first term, any MSPs from a minority ethnic community, or any with a visible disability. It is up to the political parties and the electorate to decide the composition of the MSPs; however, Parliament itself can encourage diversity by adhering to equal opportunities principles.

MSPs and staff of the Parliament should receive training in Equal Opportunities principles and consideration should be given particularly to promoting education on the Parliament's work to those from a diverse range of backgrounds to encourage their participation in democratic processes.

Committees should equality-proof each Bill that they deal with: this equalities proofing should be the responsibility of the relevant subject committee, not centralised in the Equal Opportunities committee.

2 Statistics from Scottish Household Survey.
Party politics

21 Research published by the Electoral Commission indicates that party-political posturing discourages participation; other research shows that such behaviour also reduces membership of political parties. MSPs have often worked well together in committee; however, civic society groups, the wider public and MSPs have been disappointed at the tone of the higher profile work in the plenary chamber. While the democratic process should and does involve real drama, there is at present too high a level of artificial drama, feigned confrontation and contrived non-debate. Practical ways need to be found to encourage collaborative working, and discourage artificial confrontation.

22 The principles of the Parliament call for MSPs to behave differently from elected members of a traditional representative democracy. They call for MSPs to remain responsive to and engaged with the people of Scotland throughout the Parliamentary term, not just, for example, during elections. MSPs have, on the whole, responded well to this call.

Job descriptions for MSPs should now be written which make this new relationship explicit.

23 Tension exists between constituency and list MSPs. There is evidence that the public is confused as to whether the different sorts of MSPs have different roles. There is also evidence that the public is unclear about how the list and constituency votes operate.

Meetings should be held involving all the constituency and list MSPs in a Parliamentary region. Community groups in that region should be facilitated to work in parallel with, and feed ideas into, these meetings. This will create regional entry points for community groups and encourage cross party working and cooperation between list and constituency MSPs.

Parliament and Executive should work with appropriate education agencies and other bodies to develop materials which explain the principles behind the Scottish electoral system.

Members' debates

24 Members' debates are often on constituency matters, and so are valuable ways in which business in the plenary chamber can be made directly responsive to public concerns. Members' debates are also closer to a model of how plenary debates should be run, characterised by a much lower level of party posturing. They offer an important entry point for public concerns. However, they currently are not well attended, which makes them look systematically less important than party, committee or Executive sponsored business. MSPs and Parliament should be more active in raising awareness of members' debates among the public, and civic society groups should work harder to encourage their MSPs to attend.
National budget process

There is low public understanding of, and participation in, the national budget process. Allocation of the budget is at the centre of Scottish life, and active citizens must be encouraged to campaign in the light of an understanding of the real financial constraints, opportunities and options. This will lend focus, credibility and power to campaigns, and promote understanding of how Scotland functions as an overall economy, and its place in the world.

Parliament should work in partnership with a range of other bodies to explore the possibility of greater participation in the budget process.

All government budget proposals, whether local or national, should be equalities proofed, to ensure that they do not systematically disadvantage anyone. The Equal Opportunities committee should continue working with outside groups to ensure that this is done effectively.

SCOTTISH EXECUTIVE

Consultation exercises

The Executive is consulting widely on its proposals for laws and new policies, and some of its consultations are carried out very well. However, there is still great variation in practice and the Civic Forum’s Audit of Democratic Participation report found evidence that a high proportion of consultation exercises do not meet the good practice guidelines set out by the Executive itself.

The Executive should continue to review and improve its consultation procedure. Consultation documents should be clearly written, with the policy options fairly spelt out. Consultation must happen early in the policy development process, when there is still a serious possibility for comments to affect the development of policy.

The consultation process should be streamlined through greater coordination within the Executive, and by working in partnership with outside bodies, in particular Parliament and Local Authorities. Such collaborative working should not, however, affect the Parliament’s role in holding the Executive to account.

To maintain the current high levels of public interest in participating in the development of policy, the Executive must provide clear accounts of how responses affect the development of policy.

Public feedback meetings should be convened on Executive consultation exercises, so that respondents can see how their responses are treated, and ask questions directly of Ministers and civil servants.
Some of the Executive's most successful legislative programmes have involved the creation of a dedicated "off-line Bill Team" or "Task Force" to develop the Bill. This has given greater scope for involving the public in the development of the proposals. The Executive should continue to test this approach to legislation, promote best practice, and commission studies to establish whether the more intensive, participative approach to legislation does in fact produce better quality laws.

The effects of the legislation that Parliament has passed so far should be assessed and reviewed. The Executive and the Parliament should adopt a participative, partnership approach to the design of these reviews.

The Executive should work to include people more often in the design of legislation at the pre-consultation stage, that is, in the design of the policy options which are to be consulted upon.

Modernisation

27 The period since the creation of the Parliament has already seen improvement in the ethos and practice of the Executive. The Executive is working to build on this process of modernisation, but it is as yet difficult for outside groups to judge how fast or successfully this process is being carried out.

The modernisation process should be pursued, and carried out in an open and transparent fashion, with public meetings and publication of research that the Executive has carried out internally.

The Executive should link its work to modernise and increase participation explicitly to the CSG principles which underpin the Parliament.

Resources for participation

28 Many organisations, especially small ones, are prevented from participating not by lack of interest but by lack of time and resources, or by lack of readily available information. More resources need to be allocated to address this.

The Executive should establish a fund to assist small organisations to take part in consultation exercises, civic participation events, etc.

The Executive should establish a parallel system to the Parliament's Partner Library Network to make the information it produces more readily accessible within local communities.

SCOTTISH CIVIC FORUM (SCF)

29 SCF has made some significant achievements in promoting participation in the first few years of its existence. But the SCF is not widely known about and it is under-resourced to deliver what is expected of it. As a result, it is currently only able to carry out a limited programme of work.
SCF should develop and provide greater resources for its local coordinator networks (these are staff in Scotland's regions charged with delivering the SCF’s functions at a local level). SCF should develop local civic centres staffed by SCF local coordinators; these could have links with the Parliament's Partner Library Network, and any parallel network developed by the Executive.

The information SCF produces is generally thought to be one of its most useful functions. SCF should increase its capacity to produce timely and in-depth information on both the Parliament and the Executive, produced in a highly accessible format and widely distributed.

SCF is well placed to deliver educational materials on the political system, drawing from the results of the Audit project. It should create and distribute accessible educational materials on how the political system works and how to influence it.

SCF should establish paid, full time sectoral coordinators for each of its 12 Council areas.

Under its Audit of Democratic Participation work programme, SCF should scrutinise the Policy Memorandum for each Bill and ensure that adequate consultation and participation has taken place during its development.

SCF should provide support for groups who are lobbying for amendments to Bills which would promote participation.

SCF should publish an annual report detailing its achievements in promoting participation and equal opportunities.

This substantial expansion of work by SCF will require a corresponding increase in its resources. The SCF should work to increase its funding base accordingly.

GENERAL

Civic engagement with the Parliament

The Cross Party Groups provide an important forum for civic society groups to work with and inform MSPs; they are also widely considered to present good examples of cross party working, but MSPs struggle to find time for them amid very busy schedules. The Parliamentary bureau should find ways to encourage and strengthen the operation of Cross Party Groups.

Media

For understandable reasons, the media seeks stories based on conflict and drama; as a result, the novel participative ethos of the Parliament is not often reflected in the media. This situation needs to be corrected.
Public participation in the policy making process should have a higher media profile, for example through a dedicated cable/satellite channel for the Scottish Parliament as there is for Westminster. The Scottish audience could be served by more in-depth coverage of important debates and perhaps by making videos of debates available to interested parties.

Encouragement should be given to the Scottish Civic Forum’s developing discussions on establishing a Scottish Media Review body which would monitor and comment on the standards of reporting in the print and broadcast media and address concerns about the standards and tone of reporting.

**Review of development of participative culture**

31 A standing participation review group should be established consisting of members of Parliament, Executive, SCF and other bodies. This group would hold an annual Participation Summit and build a formal relationship with the Scottish Information Commissioner.

**Allocation of time**

32 The Civic Forum's *Audit of Democratic Participation* project found that the key barrier to people's participation is lack of time. This *time poverty* is a deep problem in our economically rich society; the increasingly severe pressures of work do not just damage people's health and family lives, they damage the democratic culture by restricting involvement in politics to paid professionals. Making improvements to the systems in the Parliament and Executive can do little to mitigate this culture-wide problem. Nevertheless, we cannot afford to let it go unaddressed.

Organisations and businesses are increasingly concerned with corporate social responsibility. As part of this agenda, they should be encouraged to allocate "Democracy Time" to their employees. This would be dedicated time off for people to get involved in voluntary work, campaigns, and political affairs.

The Scottish Parliament's European and External Relations Committee should review the implementation of the European Working Time Directive in Scotland. This by itself will not be sufficient to address the problem of time poverty in our society. A much wider and more ambitious strategy must be developed; the problem can only be addressed by civic society, business and politicians working together.
The meeting opened at 11.03 am.

1. **First Minister’s Question Time (in private):** The Convener drew members’ attention to a newspaper article which appeared to suggest the draft report had been leaked. He reminded members that the draft report was clearly marked as a private paper and that disclosure of its content was a contravention of section 9.4 of the Code of Conduct. The Committee agreed to conduct an inquiry into whether and how the report was leaked.

   The Committee considered the draft report and agreed various amendments. The associated standing order change was agreed to with one amendment. The other miscellaneous standing order changes were agreed to. A revised report would be circulated for final agreement.

The meeting closed at 12.54 pm.

Andrew Mylne
Clerk to the Committee
The following additional papers are attached for this meeting:

**Agenda item 1**
Recommendations of the previous Committee’s Founding Principles Report directed at Parliamentary bodies (note by the Assistant Clerk)

**Agenda item 2**
Press release (attachment to paper PR/S2/03/4/4)

Questioning procedures in other Parliaments (note by the Senior Assistant Clerk and Assistant Clerk)

Andrew Mylne
Clerk to the Committee
The Committee has recently completed a short inquiry into the duration and timing of First Minister’s Question Time (FMQT). As a result of the Committee’s report, the Parliament has agreed to alter the standing orders to extend the maximum duration of FMQT from 20 minutes to 30 minutes and to enable it to take place at a time not immediately following Question Time. In addition, the Committee recommended that FMQT take place at 12 noon on Thursdays for a trial period until the end of the year.

The Committee has now embarked on a much more wide-ranging inquiry into all aspects of oral questioning.

Scope of the inquiry
The new inquiry will consider how, when and what oral questions are asked and answered in the Chamber. It will not cover written questions, nor will it primarily be concerned with aspects of the process that take place prior to proceedings in the Chamber (how questions are lodged, criteria of admissibility etc.), although these may need to be reviewed in consequence of other changes proposed. The Committee will consider the implications for the overall allocation of Chamber time to different categories of business.

Background
The current Rules provide for a weekly Question Time (up to 40 minutes of randomly selected questions to Executive Ministers) and First Minister’s Question Time (up to 30 minutes of up to 6 questions to the First Minister, selected by the Presiding Officer), both normally on Thursdays, in addition to which supplementary questions may be asked. The Rules also allow for occasional “emergency questions” to the Executive or questions to the Presiding Officer on matters for which the Parliamentary corporation (the SPCB) is responsible.

Various proposals have already been suggested for possible changes to these procedures, including introducing a thematic element to Question Time, which might involve questions to specified Ministers on particular weeks, and enabling committee conveners to question the First Minister on a regular basis. The Committee therefore welcomes further new ideas from any source about how this vital aspect of Parliamentary scrutiny could be improved.

Timescale and approach
The inquiry will begin in September and is expected to be completed by the end of the year. During that period, it is expected that the Committee will consult widely on a number of specific options for change. The Committee would particularly welcome:

- general views on what aspects of the subject-matter it should focus on; and
- preliminary responses to any or all of the following questions:
First Minister's Question Time (FMQT)

- Should questions by the main opposition party leaders continue routinely to be selected for every First Minister’s Question Time – and should this be extended to include the leaders of the smaller parties on some proportional basis?
- Alternatively, should only backbench questions be selected, on the understanding that party leaders would then be called to ask supplementary questions?
- At FMQT, should the main opposition party leaders continue to be able to ask “open questions” (i.e. very general questions about the First Minister’s diary commitments, which enable almost anything to be raised in a supplementary question and which represent an element of surprise)? If so, should other party leaders or backbenchers also be able to ask open questions?

Question Time

- Should Question Time continue to cover all areas of Executive activity each week, or should a thematic element be introduced, with some or all of the allotted time reserved for questions on particular subjects, or to particular Ministers?
- Should questions for Question Time (whether it remains general or becomes thematic) continue to be selected on a purely random basis?

General

- Should the member asking a question always be able to ask the first (and perhaps also the last) supplementary?
- What are the ways in which an appropriate balance can be struck between the benefits of having advance notice of what questions to be asked and spontaneity and topicality?
- Should Ministers be under an obligation to keep their answers brief and relevant to the question asked?

New Opportunities for Questioning

- Would there be merit in providing a regular (perhaps twice-yearly) opportunity for committee conveners to question the First Minister at a public meeting of the Conveners’ Group?
- Should there be more regular opportunities for oral questions addressed to the Presiding Officer and other members of the Parliamentary corporation (SPCB)?

An initial deadline for responses was set for Monday 1 September 2003. However, further responses are still welcome and should be emailed to procedures.committee@scottish.parliament.uk or if hard copy, sent to:

Lewis McNaughton
Assistant Clerk to the Procedures Committee
Room 5.19
Parliamentary Headquarters
George IV Bridge
Edinburgh EH99 1 SP
PROCEDURES COMMITTEE

ORAL QUESTIONING INQUIRY

Procedures and Practices of other Legislatures

Paper by the Senior Assistant Clerk and Assistant Clerk

UNITED KINGDOM PARLIAMENT (WESTMINSTER)

House of Commons

1. There are 4 categories of question in the House of Commons:
   - Questions for Oral Answer, including Prime Minister’s Questions
   - Urgent Questions
   - Cross-Cutting Questions and
   - Questions for Written Answer.

2. Around 40,000 questions are asked each year of which 3,000 are oral and answered by a Minister in the Chamber.

3. Some changes to questioning were made in early 2003 in response to the Procedure Committee’s Third Report 2001-02 and the Modernisation Committee’s Second Report 2001-02, both of which considered Parliamentary Questions and proposed changes. However there is still very little in the Standing Orders of the House (Standing Orders 21 and 22 relate to questions).

Oral Questions

4. Standing Order 21 provides for questions to be taken in the first hour of business on Mondays to Thursdays. Questions are taken on a Departmental basis (there is no question time for the Government as a whole, as there is at present in the Scottish Parliament). The result of a survey of MPs undertaken in 2002 was that a small majority was in favour of retaining that system. Departments are organised into a rota which is agreed by the Government and Opposition parties through the “usual channels” with each major department being allocated a particular day of the week and appearing every 4 weeks or so. Ministers for smaller Departments (such as the Attorney General or the President of the Council), and Members answering for the Church Commissioners, the House of Commons Commission, the Public Accounts Commission etc., are also included in the rota. A new rota is prepared for each term.

5. Each Member may table one question for each department answering on a particular day with a maximum of 2 for answer on any one day. Questions must be tabled at least 3 days (excluding Fridays and weekends) in advance of the particular answering session but can be put down at any time after the previous session for the Department. The
notice period for questions to the Secretaries of State for Scotland, Wales and Northern Ireland is 5 sitting days. All notices of questions are published on the morning after the question is tabled.

6. Questions tabled for a particular Department are then shuffled randomly by computer at 12.30 on the last day for lodging, numbered consecutively up to the quota below and then printed in the Order Paper in the order in which they will be called.

<table>
<thead>
<tr>
<th>Duration of Questioning</th>
<th>Number of Questions</th>
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<tbody>
<tr>
<td>55 minutes</td>
<td>25</td>
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<tr>
<td>50 minutes</td>
<td>20</td>
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<td>45 minutes</td>
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<td>30 minutes</td>
<td>15</td>
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<tr>
<td>15 minutes</td>
<td>10</td>
</tr>
<tr>
<td>10 minutes</td>
<td>8</td>
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</tbody>
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7. On the day, the Speaker calls the member whose Question is listed first. As the text is set out in the Order of Business, it is not necessary for the Member to read out the text of the question. Once the Minister has answered, the Speaker has complete discretion in calling supplementaries; however, the Speaker tends to call the original questioner first to ask a supplementary question on the same subject. If the Speaker calls further supplementaries it will usually be on the basis of alternating between Government and Opposition members. Any Question not answered orally receives a written response. The Speaker aims to ensure a balance between scrutiny on a particular issue and allowing a reasonable number of issues to be raised. Currently 15-20 questions are answered orally on each day, approximately 60-80 per week.

8. Questions are addressed to a particular Minister as Head of a Department. Where the subject matter of a question covers more than one Department, it is generally the Minister who has the closest responsibility who would be expected to answer – but that is a decision taken by Ministers. If a question is addressed to a particular Minister and it is then decided that another Minister should answer, formal notice of the transfer is given to the Member and the Table Office. This may mean a Member not getting an oral answer on the expected day (as the rota may not provide for that particular Minister to be answering questions that day). In general, each Minister will face about an hour of questioning each month.

Prime Minister's Questions

9. There is nothing in Standing Orders about Prime Minister's Questions. The practice arose following an experiment in the 1960s. Before then, questions for the PM were set down at the end of the list on 2 days each week and were rarely reached (and, when they were reached, usually amounted to no more than 5 or 10 minutes). PMQs currently take place every Wednesday from 12.00 pm to 12.30 pm, amounting to roughly 2 hours a month. The first question is invariably an open question about
the PM’s diary commitments by the Leader of the Opposition which allows supplementary questions on almost any subject. The Leader of the Opposition tends to be allowed 3 or 4 supplementaries in succession, the leader of the next largest opposition party 2.

10. The Procedure Committee noted in its third report that the Prime Minister had announced that he was willing in principle to appear before select committee chairs every six months to discuss domestic and international affairs. This has since taken place on a couple of occasions.

**Urgent Questions**

11. There is a procedure for an urgent matter to be raised with a particular Minister. No advance notice is required but a Member must secure the Speaker’s agreement to asking the question before noon on the day on which the question is to be asked.

**Cross-Cutting Questions**

12. In January 2003, following a recommendation of the Procedure Committee, the first cross-cutting question session was held. This was on youth policy and involved Ministers from the Departments for Culture, Media and Sport, Education and Skills, Health and the Home Office. The intention is to have 4 such cross-cutting question times in each parliamentary session.

13. The Procedure Committee’s third Report 2001/02 made a number of recommendations regarding QT and PMQT, such as that every Tuesday and Thursday departmental QT could be followed by a further session of up to 30 minutes on topical subject-based questions (or 2 15-minute sessions), with the trade-off being a reduced number of opposition sitting days however this was not agreed to by the House.

**House of Lords**

14. Again, there is very little in the standing orders regulating questioning procedure. What there is can be found in rules 35 and 37.

15. All Questions are addressed to Her Majesty’s Government and not to a particular Minister, as in the Commons. Questions may also be directed to Lords who hold official positions within the House about their responsibilities.

**Starred questions**

16. Most oral questions are referred to as “starred questions” (because they appear asterisked on the Order Paper). 4 starred questions are asked on Mondays and Thursdays and 5 on Tuesdays and Wednesdays at either 2.30 or 3 pm for 30 or 40 minutes. No starred question may be tabled less than 24 hours before the start of the sitting at which it is due to be asked. No Lord may ask more than one such question each day or have more than 2 starred questions on the Order Paper at any one time. The Lord who asks the question almost invariably asks the first
supplementary; other Lords may also then ask supplementary questions on the same subject. The 4th starred question each Thursday may not be tabled before the previous Tuesday and, if necessary, is chosen by ballot.

Unstarred questions
17. A small minority of oral questions are tabled as “unstarred questions” to become the subject of debates lasting around 1 to 1½ hours, at the end of which a Minister responds for the Government.

Private Notice Questions
18. Private Notice Questions are essentially emergency questions and are asked generally with the leave of the Leader of the House.
Oral questions

19. Oral questions are taken on each sitting day (Tuesday, Wednesday and Thursday) and are split into three categories:

- Questions to the Taoiseach (up to 45 minutes each day)
- Questions nominated for priority (up to 30 minutes each day)
- Other Questions (up to 30 minutes on Tuesday and 45 minutes on Wednesday and Thursday).

20. The timings for each day are as follows:

<table>
<thead>
<tr>
<th>Day</th>
<th>Questions to the Taoiseach</th>
<th>Questions nominated for priority</th>
<th>Other Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday</td>
<td>2.30 – 3.15 pm</td>
<td>3.15 – 3.45 pm</td>
<td>3.45 – 4.15 pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>10.55 – 11.40 am</td>
<td>2.30 – 3.00 pm</td>
<td>3.00 – 3.45 pm</td>
</tr>
<tr>
<td>Thursday</td>
<td>3.30 – 4.00 pm</td>
<td>4.00 – 4.45 pm</td>
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</table>

21. All oral questions are “on notice”, and must be submitted to the Clerk in writing for publication in the Order Paper for each sitting day. Priority Questions must be lodged with the Clerk three days prior to the date when they are to be asked, Questions to the Taoiseach and Other Questions must be lodged four days beforehand.

Types of questions

Questions to the Taoiseach

22. The Dail allows for very frequent questioning of the Taoiseach (Prime Minister) by oral questions (i.e. twice weekly for 45 minutes each), well in excess of the “norm” in other parliaments.

23. Questions to the Taoiseach (as with Other Questions) are selected by ballot.

24. Any Member may lodge an unlimited number of questions to the Taoiseach. Each party or group (Standing Orders prescribe that such must contain 7 or more Members) tends to put its questions for the Taoiseach down in the name of the party leader. So, Taoiseach’s Questions tend broadly to be an exchange between the Taoiseach and opposition party leaders, with party spokespersons being left to pursue individual Ministers during Priority Questions and Other Questions.

25. Questions deemed to be similar may be grouped and answered by the Taoiseach at the point in the Order Paper where the first of those
questions appears. Members whose questions are further down the order paper but are grouped with an earlier one will receive the opportunity to ask a supplementary to the first question (see below, under supplementary questions).

26. Questions on the Order Paper that are not reached in the allotted time frame are placed at the beginning of the Order Paper for the next day on which Questions to the Taoiseach are to be heard.

27. There is no current mechanism to allow committees formally to question the Taoiseach outside the current arrangements, nor are there plans to introduce such a mechanism.

Other Questions
28. Other Questions (as with Questions to the Taoiseach) are selected by ballot.

29. All Members are limited to lodging two questions for answer by a Minister for each Other Questions session.

30. A rota sets out when each Minister will answer Other Questions and Priority Questions. There are 14 Ministers, and each features on the rota approximately once every five weeks. If a Minister is unable to be present on his or her allotted day then he or she can formally swap days with another Minister, but such changes to the rota must be agreed in advance in the House by motion.

31. Other Questions that are not reached in the time available are answered in writing by the relevant Minister, unless the Member requests that the question be put to the same Minister on the next occasion when he or she appears on the rota.

Questions nominated for priority
32. Priority Questions must be in the name of an opposition Member put forward by their Parties (a Party having at least seven Members). Such questions are usually put in by shadow spokespersons that are covering the brief of the Minister in question. Priority Questions are specifically intended to give those spokespersons a guaranteed opportunity to ask questions.

33. Five Priority Questions are tabled and then asked each week, according to a rota agreed by the House. This involves a rotation among the larger parties, with preference given to the largest.

34. There is no specific mechanism to allow independent Members or Members of small parties (i.e. fewer than 7 Members) to ask Priority Questions as of right. Although Standing Orders do allow smaller parties and groups to join together to form a group with the same rights as are afforded to larger parties. Currently one such group exists: the “Technical Group”, which includes the Green Party, Sinn Fein and some Independents.
35. Supplementaries to Priority Questions may only be asked by the Member who asked the initial question.

Open questions and supplementaries

36. Questions are required not to be vague or hypothetical, so that the Minister has a good idea of what the Member is getting at when framing the reply. However, some questions, particularly to the Taoiseach, are referred to as “trawlers”, meaning that they provide a vehicle for a supplementary that may have only a tenuous link to the original question.

37. Supplementary questions are at the discretion of the Ceann Comhairle (Speaker), and there is no preference given to opposition Party leaders.

Time limits

38. All questions are allowed no more than six minutes each, which ensures that a minimum number will always be heard in the Chamber. The Ministerial answer must be no longer than two minutes, and each supplementary and answer should not exceed one minute. These timings are broadly adhered to, although the Ceann Comhairle may, in some cases, allow a certain amount of latitude.

39. In addition, where Questions are grouped for answer, the times allowed for the whole group and for the initial Ministerial answer are the aggregates of the times that would be allowed had the Questions been answered individually, up to a limit of 18 minutes.

40. Additional information in an answer that exceeds the two-minute limit can be included in Hansard by the instruction of the Ceann Comhairle.

Answering questions

41. It is a longstanding ruling that the content of replies is a matter for Ministers and that the Ceann Comhairle cannot adjudicate on the adequacy or relevancy of a reply. (That would be seen as encroaching on the prerogative of the Executive to decide how to answer the questions tabled.)

Emergency/urgent questions

42. Because oral questions must be lodged so far in advance there is little scope for allowing urgent or emergency issues to be raised at the normal question times. There are, however, two alternative mechanisms.

43. The first involves a Private Notice Question, which can be tabled up until 2.30 pm on each sitting day and must be “relating to matters of urgent public importance”. It is for the Ceann Comhairle to judge whether such questions meet this requirement. Such questions normally occur about once a month.
44. Secondly, a new procedure has been introduced called Leaders’ Questions. This provides an opportunity for the leaders of the three largest parties or groups to ask one topical question of which no notice is required to be given. Each such question is allocated up to seven minutes. Leaders’ Questions are taken at the start of each Tuesday, Wednesday, Thursday and Friday.

**Written questions**

45. There appears to be no correlation between the time given to oral Questions and the volume of written questions. In Ireland, around 30,000 written questions are lodged each year.
CANADA – HOUSE OF COMMONS

Timing

46. Question Period occurs on each sitting day (that is five times a week) no later than 2.15 pm on Monday to Thursday and no later than 11.15 am on Friday. It lasts for approximately 45 minutes each day.

47. A time limit of 35 seconds applies to all questions and answers, including supplementary questions. This came about in 1996/97 as a result of complaints from opposition parties that Ministers’ answers included a long preamble, which resulted in a negotiated agreement between the party House Leaders (nothing was included in the standing orders). As a result, Question Periods are very fast-moving events of political theatre.

Scrutiny of the Prime Minister

48. There is no separate Prime Minister’s Question Time and such questions that are addressed to the Prime Minister may be heard at any point during any Question Period session.

49. The Prime Minister usually answers as many questions as are directed at him (see paragraph 10). Sometimes, however, the Prime Minister will ask another Minister to answer a question that is directed at him, or will answer a question directed at another Minister.

50. There is no other formal mechanism by which the PM is scrutinised by, for example, parliamentary committees outside the Chamber.

Asking questions

51. No notice is given of the questions that are asked and they are political rather than policy driven (since Ministers cannot be expected to answer detailed policy questions without any warning). Question Period is best described as giving the opposition parties the chance to point out the inadequacies of the government of the day, through political point-scoring.

52. There is, however, unlike in the Australian Parliament, a pre-determined order to the questions. Each party agrees a strategy for those Members chosen to ask questions, based on the issues of the day; their list is then submitted to the Speaker.

53. In calling each question, the Speaker also works to a pre-determined schedule that is well ingrained and can be broken into two separate rounds of questioning. The first round of questions are normally asked by party leaders – a member of the Official Opposition (largest opposition party) has the first question, followed by members of the other opposition parties, called in order of party size. The second round of questions gives the opportunity for backbenchers to ask questions. Questions rotate in
this way until the allotted time of 45 minutes has been reached. Government backbenchers receive one or two opportunities to ask questions, usually towards the end of each Question Period. Often, such questions appear to be ‘planted’ by a Minister in order to draw attention to a good news story, as with ‘inspired’ questions. In total, 25 – 30 questions are normally called each Question Period.

Answering questions

54. It is for the Speaker to decide whether a question is in order – that is, whether it is appropriate and whether it can be answered without referring to large amounts of detail. On some occasions, the Speaker has deemed a question ‘not in order’ but the Prime Minister or Minister has suggested that he or she would like to answer it. On such occasions the Speaker has allowed the Minister to give their answer. A degree of flexibility in the application of the Rules is (as with the Australian system) an inevitable product of the lack of notice of the questions asked.

55. It is for the Government to decide whether to respond to a question and who will do so – Ministers are all seen as representatives of the Government and are therefore regarded equally in terms of accountability. As a result, a Minister may transfer a question to another Minister for answer, usually at the direction of the Prime Minister. On Fridays attendance in the Chamber is thin (most Members travel to their constituencies on Thursday evening or Friday morning) and so those Ministers present need to be able to answer whatever questions are asked. In addition, Parliamentary Secretaries, Members who assist Ministers in their House duties and represent the views of the Cabinet in committees, may stand in for their Ministers to answer questions during Question Period.

56. The possibility of having a thematic Question Period has been aired, but the opposition parties opposed it on the grounds that it could be seen to detract from their ability to hold all Ministers to account on all the topics of the day.

Supplementary questions

57. Supplementary questions are at the discretion of the Speaker. However, the Official Opposition can expect to be able to ask two supplementaries to their first question, with subsequent opposition leaders being able to ask one supplementary to their questions. There is no accepted number of supplementaries for backbenchers’ questions; the Speaker tends to award fewer supplementaries nearer the end of the Question Period so as to allow as many backbenchers as possible to ask primary questions.
Other forms of accountability

Adjournment Debates
58. If a Member is dissatisfied with the answer given by a Minister during Question Period, the Member may put the question forward for a future Adjournment Debate. Three topics are selected by the Speaker for each Adjournment Debate, allowing for 10 minutes discussion on each. Initial statements at Adjournment Debates are limited to four minutes with rebuttals limited to one minute each. It typically takes 3-4 weeks for a Member’s question to be selected for an Adjournment debate.

Written questions
59. At any one time, Members may only have four questions awaiting written answer. Because Question Period is so theatrical in style, written questions are the main vehicle through which Members can gain detailed information from the Government. Although the limit of four questions seems low, the questions tend to be extremely complex and long. The frequency of oral questioning sessions appears to have little impact on the numbers or types of written questions.

‘Starred’ written questions
60. Members may also choose to have up to three of their allocation of four written questions ‘starred’. Starred questions are written questions that a Member may request to have answered orally in the Chamber. The answering of such questions occurs during “Routine Business” (3 pm on Monday and Wednesday, 10 am on Tuesday and Thursday, and 12 noon on Friday), during which time Parliamentary Secretaries give answers orally or, alternatively, request the consent of the House to have the answer recorded in the Debates of the House of Commons (the equivalent of the Official Report) for that day.
AUSTRALIA – HOUSE OF REPRESENTATIVES

Timing

61. Question Time occurs at 2.00 pm each sitting day (that is four times a week – Monday, Tuesday, Wednesday and Thursday).

62. It is entirely within the discretion of the Prime Minister, or the senior Minister present, as to whether Question Time will take place at all and, if so, for how long it will last. There is, however, an informal undertaking on the part of the current government that 20 questions will be taken each Question Time, including 10 from non-government Members (the practice being for the Speaker to call alternate questions from the government and opposition sides). On average, Question Time lasts about 75-80 minutes.

Scrutiny of the Prime Minister

63. There is no separate Prime Minister's Question Time and such questions as are addressed to the Prime Minister may be heard at any point during any Question Time session.

64. Over the last decade, the Prime Minister received at least one question without notice at more than 90 percent of Question Times. About 25 percent of all questions without notice are directed to the Prime Minister, much more than for any other individual Ministers (the Treasurer, equivalent to the Chancellor of the Exchequer, typically attracts the next highest proportion, between 10 and 15 percent).

65. There is no other formal mechanism by which the PM is scrutinised by, for example, parliamentary committees outside the Chamber.

Asking questions

66. All oral questions are ‘without notice’, that is no prior notice is given of the content of the question. Nor is there any pre-determined order in which questions are asked at Question Time.

67. Because questions are without notice, Question Time lends itself to political theatre (as in Canada). Ministers cannot be expected to provide complex or factual answers to such questions. The mechanism of written questions is used for this purpose. Oral questions are asked primarily for immediate effect and usually relate to matters of policy, whereas written questions have a delayed impact and relate to matters of administration.

68. Questions without notice by their very nature may raise significant difficulties for the Speaker. The necessity to make instant decisions on the application of the rules on the form and content of questions is a demanding task. The level of strictness with which the rules are applied varies from Speaker to Speaker. Some latitude is extended to the
opposition leaders in asking questions without notice and to the Prime Minister in answering them. The result of these circumstances is that rulings have not always been well founded and inconsistencies have occurred. Speakers often respond to points of order with an observation that were they to apply the standing orders strictly, very few questions would be allowed. Thus, Question Time is a period within a sitting during which the rules are interpreted more according to prevailing practice (that is, with less deference to longstanding precedent) than at other times.

69. Questions may be directed to Members (though very rarely), Committee Chairs, and to the Speaker (at the end of each Question Time). There has been an increasing incidence of questions to the Speaker in recent years and it has become on some days almost a mini-Question Time in its own right. These questions often relate to interpretations and rulings during Question Time proper and could more properly be termed postponed points of order.

How questions are called (by the Speaker)

70. The calling of questions is at the discretion of the Speaker, who first calls an opposition member, and then alternates between government and non-government Members. For the opposition parties, priority is given to the Leader and Deputy Leaders. The number of times each Member is called is recorded and, with the exception of the opposition leaders, the Speaker aims to call all members equally often, so far as possible. But the priority given to opposition leaders means that there are relatively few opportunities for opposition backbenchers. The Procedure Committee concluded, in 1986, that the apportioning of questions within parties was a matter for the parties to decide.

71. Observers have commented on the unusually strict party discipline which prevails in Australian politics, particularly in the House of Representatives. Backbench discontent is mainly confined to the party room. If the Opposition party decides (at its party meeting) on a focussed line of questioning for Question Time, then the leader and/or relevant shadow ministers expect to be called on each occasion the Speaker looks to that party. Backbenchers usually observe party solidarity by not competing with the leader or shadow ministers to ask a question.

Answering questions

72. A Minister may refuse to answer a question and may also transfer a question to another Minister for answer. It is not in order to question the reason for doing so.

73. Standing Orders (Rule 145) state that replies to questions must be relevant. This particular provision is the basis for most points of order raised by Opposition Members during Question Time. However, Speakers frequently respond by observing that questions are so broad as to invite similarly unconstrained answers.
74. It has been traditionally expected that all Ministers will be present at Question Time. However, between 1994 and 1996 the previous Government implemented a roster for Ministers’ appearance at Question Time. This was done by means of a Sessional Order (i.e. it applied for one session only). The Prime Minister appeared at two of the four Question Times each sitting week. Ministers similarly were split into two groups, each appearing at two of the four Question Times each week. The Procedure Committee recommended that the Opposition be able to request the presence of one non-rostered Minister, but such requests were usually refused. The Howard Government, on taking office in 1996, reverted to the previous practice of all Ministers being present at each Question Time.

Supplementary questions

75. Supplementary questions are not currently permitted in the House of Representatives (though they are in the Senate, see below). Different Speakers have favoured different approaches in relation to the issue of whether to allow supplementary/additional questions from the Member who asked the original question. Some have allowed a Member to ask a supplementary only if it arose directly from the Minister’s answer, and then regarded it as part of the same question rather than as a separate question. The current Speaker favours the practice whereby a Member who wishes to ask a supplementary must wait to be called again. The fact that priority is given to Opposition frontbenchers when questions are taken from the Opposition side means that the same Member can easily be called the next time questioning reverts to that side.

Emergency/urgent question sessions

76. Question Time originally evolved to provide an opportunity for Members to obtain instant responses from the Government to questions concerning current affairs. There is, in addition, a mechanism for debating a “Matter of Public Importance” (MPI). MPIs are held on three of the four sitting days in a week and are for canvassing issues of the day. They are usually initiated by a shadow minister, to criticise an aspect of Government performance, and usually the responsible Minister participates.

Other forms of accountability

77. The Australian Parliament is bicameral and the Senate’s procedures for Question Time are largely the same as those in the House of Representatives as described above. The most obvious differences between the two systems are that the Senate’s Question Time permits supplementary questions and time limits apply to all questions and answers.
NEW ZEALAND – HOUSE OF REPRESENTATIVES

Background and summary of main procedures

78. The New Zealand Parliament’s Standing Orders Committee is planning to look into the processes of oral questioning later this year. There is some discontent amongst Opposition parties about the lack of a distinct period in which questions are directed solely at the Prime Minister. This is an issue that was discussed by the Standing Orders Committee in 1995 and the Clerk to that committee expects it to be raised again as part of its forthcoming investigation.

79. However, despite the fact that the current procedures could change they are generally regarded as robust and, as the Clerk to the Standing Orders Committee says, have been “quite well-worn over a long period”.

80. Question Time takes place on each sitting day (three times a week) as part of the General Business of the House of Representatives, which begins at 2.00 pm. The number of oral questions that may be asked during each Question Time is limited to 12. There is no time limit and Question Time continues until all 12 questions have been completed.

81. Question Time generally lasts around 45-50 minutes. Recently however, because of the number of points of order being raised, it has regularly reached 75 minutes. The Clerk to the Standing Orders Committee fully expects the issue of duration to be raised by the Committee as part of its forthcoming investigation, together with whether permissions relating to points of orders being raised during the questioning session should be looked into.

82. There is no separate Prime Minister’s Question Time and such questions that are addressed to the Prime Minister may be heard at any point during any Question Time session.

83. All oral questions are required to be tabled with the Clerk in the morning prior to each Question Time and are, as such, known as ‘questions on notice’.

84. Supplementary questions provide Members the opportunity to ‘surprise’ Ministers.

Issues relating to raising oral questions

85. Questions are lodged in the morning, and checked by the Deputy Clerk against Rules 363-365 of the Standing Orders to ensure they are in order (i.e. so that the questions properly refer to an issue under ministerial responsibility, that statements of fact are authenticated, etc.).

86. As soon as the questions have been finalised they are e-mailed to the offices of relevant Ministers and are placed on the Parliament’s website with notification sent to interested people. Ministers, therefore, have
approximately 3 to 3½ hours to prepare their responses and work out strategies for dealing with supplementary questions. The text of the questions is then printed and a copy placed on each Member’s desk in the Chamber before General Business begins at 2.00 pm.

87. In addition to Ministers, oral questions may also be put to a Member (not being a Minister or the Speaker) relating to any bill, motion or public matter connected with the business of the House, of which the Member has charge. Such questions will be called by the Speaker after normal oral questions. Questions may be put to the Speaker for written answer only.

88. A Member may ask a question on behalf of another Member who is absent at the proceedings.

**Process by which oral questions are raised**

89. The 12 questions for each Question Time session are allocated by means of a roster, which is agreed by the cross-party Business Committee at the start of each Parliamentary Session.¹

90. The roster operates on a proportional basis, based on party membership in the House. In total there are 7 parties which, not counting Ministers, make up 100 seats. Thus, the Progressive Party, which has two members, one of whom is a Minister, can ask one question every 100 questions, and the Labour Party, which has 52 members, 19 of whom are Ministers, can ask 33 questions per 100.

91. Each party may allocate its quota of questions however it pleases. Generally, party leaders and front-benchers ask the majority of the Opposition parties’ questions.

**Supplementary questions**

92. As with oral questions, parties are allocated a quota for supplementary questions, which they may use however they wish. Supplementary questions are asked at the discretion of the Speaker, who will firstly give preference to the Member who asked the primary question and then take into consideration issues such as the relative seniority of each Member and the size of the party to which the Member belongs. The Speaker will usually finish off each question by giving the original questioner a final supplementary.

**Issues relating to the answer of oral questions**

93. Currently, there is not a roster system in operation for the answering of questions, nor has the implementation of one been considered by the

¹ The Business Committee is a variation of the Parliamentary Bureau, and its recommendations must ultimately be agreed by the House, just as here the Bureau requires the Parliament’s agreement to its Business Motions.
New Zealand Parliament. Again, this is an issue that the Clerk to the Standing Orders Committee considers may be raised as part of the forthcoming investigation.

94. The Government may transfer oral questions from one Minister to another as long as the transfer is not regarded as an “abuse” (e.g. if the Minister of Defence answered questions about education). However, this does have a significant effect on questions that are directed to the Prime Minister (see below, under Scrutiny of the Prime Minister). Another Minister or under-secretary may answer an oral question on behalf of a Minister who is not present at the proceedings.

95. In relation to answering oral questions, the Standing Orders (Rule 372), dictate on issues of relevancy and conciseness. Although it is entirely up to the Speaker to decide whether an answer to an oral question meets the requirements of the Standing Orders, there are various examples that can be used for guidance (contained in Speakers’ Rulings (SR) and Supplement to Speakers’ Rulings (SSR)). These two guidance documents outline the following requirements:

- A reply should address the question and be relevant to it, although that does not mean the answer will be satisfactory to the questioner or that it will actually answer the question. Whether it does or does not answer the question will always be a matter of opinion. However, there is some discretion for the Speaker to allow Ministers to supply additional information to what is asked for in a question.
- The Speaker cannot force a Minister to give an answer to a question and has no responsibility for the quality of the answer that is given, nor its content.
- There is some expectation that the Minister will seriously seek to address the question asked. For a Minister to respond in an irrelevant manner is to act contrary to the spirit of the question process. It is incumbent on Ministers to treat questions in a manner that is consistent with their constitutional responsibilities.
- Replies should be concise, which means not only short in terms of the number of words used, but also no longer than need be in order to answer the question adequately. The Speaker regularly interrupts Ministers whose answers have gone on too long.

96. There is currently discontent about the application of these rulings. Members are frustrated when a Minister addresses a question (to the satisfaction of the Speaker), but does not answer it to their satisfaction. Such frustration has led to some disorder in the Chamber already this year, where two Members have been named and suspended for challenging the Speaker. Also, a Member was recently ordered to withdraw from the Chamber and other Members of their party staged a walk-out in response.

97. The Speaker is adamant that he is not responsible for the quality of any reply and has pointed out that Ministers have always been evasive.
However, the Speaker may award further supplementaries if (in his opinion) a Minister persists in giving trifling answers – although this is rare and if applied would contradict the rigid quota for supplementaries.

**Issues relating to other aspects of questioning**

*Scrutiny of the Prime Minister*

98. There is no formal procedure established that allows select committees, or other parliamentary groups, to question the Prime Minister other than at those times where questions are directed at her during Question Time in the Chamber.

99. However, the PM does appear before select committees during the Estimates examinations each year as Minister responsible for certain Votes (groupings of Estimates of appropriations). When she appears before the Government Administration Committee in the context of its examination of Vote Prime Minister and Cabinet (i.e. spending by the Prime Minister's department and Cabinet Office), it effectively becomes an examination of the Prime Minister and there is some media interest.

100. An important issue concerning the questioning of the Prime Minister is that, because she has overall responsibility for everything and some of her portfolios have Associate Ministers, it is easy for oral questions directed at her to be transferred to other Ministers (so long as this transfer is not an abuse – see above). The National Party has found a mechanism for ensuring that questions must be answered by the PM – using open questions – by asking whether the PM has confidence in a particular Minister, and then raising the real point of the question through a supplementary. Because this is an oblique way for members to ensure questions are answered by the PM, there is likely to be renewed pressure for a separate PM question session.

101. Open questions may also be directed at Ministers. For example, a Minister could be asked whether he or she “has confidence in the Chief Executive of the Ministry of ...”, followed by a supplementary raising a specific allegation of inappropriate spending or behaviour, or other lapse within that Ministry. Another example would be “Does the Minister stand by his/her statement that …”, followed by a supplementary referring to some action by the Minister or by the Minister's department that flies in the face of their previous statement. The risk that a Member runs when asking such open questions is that the Minister, in replying, could simply say that he or she does not have information about that to hand, and then invite the member to see him or her afterwards to discuss the case.

*Urgent questions session*

102. There is provision for ‘urgent questions’, with a single supplementary, to be raised in the Chamber. But because such short notice is already given for oral questions, the Speaker would need to be convinced the matter is one that warrants an immediate answer in the public interest, and otherwise complies with Standing Orders, but has only arisen since the cut-off time for notice for normal oral questions. The Speaker frowns
on the use of the urgent question procedure simply as a way of getting an extra oral question. As a result, urgent questions tend to be rare – such a question has not been answered since the beginning of the current session (which began in August 2002).

Written parliamentary questions
103. Although the New Zealand Parliament spends three times as long per week on oral questions compared to the Scottish Parliament, there are still more written parliamentary questions lodged in New Zealand than there are here. In 2002, 16,353 were lodged in New Zealand, compared with 11,398 in Scotland.
# THE FOUNDING PRINCIPLES REPORT – RECOMMENDATIONS DIRECTED AT PARLIAMENTARY BODIES

## PO, SPCB AND BUREAU

### Presiding Officer

<table>
<thead>
<tr>
<th>Access and Participation</th>
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<tbody>
<tr>
<td>17</td>
<td>that a Media Group be established under the general auspices of the Presiding Officers</td>
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<tr>
<td>21</td>
<td>that Committees should consider holding more regular press events</td>
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<tr>
<th>Equal Opportunities</th>
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<tr>
<td>35</td>
<td>that the Presiding Officer should continue to reflect diversity in his choice of speakers for Time for Reflection</td>
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<tr>
<th>Accountability</th>
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<tr>
<td>43</td>
<td>that forward timetabling should attempt to anticipate requests to speak at Stage 1 debates on Bills</td>
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<tr>
<td>44</td>
<td>that urgent consideration be given to whether the timetable for Stage 3 debates on Bills should be advisory only</td>
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<tr>
<th>Power Sharing</th>
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<tr>
<td>109</td>
<td>that the Presiding Officer should take steps to ascertain the views of backbenchers</td>
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### SPCB

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<tr>
<td>2</td>
<td>that the Parliament and the Executive should accept a commitment to extend participation in policy formulation and law-making as widely as possible in civil society</td>
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<tr>
<th>Access and Participation</th>
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<tr>
<td>3</td>
<td>that a cost-effective, targeted strategy be developed to enhance participation and access, and that both committee work and civic participation events will require additional focus and resources</td>
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<td>4</td>
<td>that the expanded guidance [recommendations 107 and 108] should build on the ‘networking’ which Members already do with representatives of local authorities and other local organisations</td>
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<td>5</td>
<td>that the Parliament’s efforts to improve access and participation be directed to increasing the breadth of those who engage with the Parliament and that this objective should be made explicit in the Parliament’s external communications strategy</td>
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<td>6</td>
<td>that the SPCB should prepare a specific outreach programme, based on the research recently commissioned by SPICe, to target and engage presently disengaged social groups</td>
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<tr>
<td>7</td>
<td>that the SPCB should consider how best it can enable Participation Services to assist small organisations, and non-organised individuals, to interact better with the Parliament and its committees and that resources should be made available to develop Participation Services in these directions</td>
</tr>
</tbody>
</table>
that partnerships between the Parliament, Scottish Civic Forum, and organisations such as Barnardos, should be pursued vigorously

that the Parliament’s Research and Information Group (RIG) and the SPCB should undertake research into any appropriate expansion of the partner library network, and the provision of IT links

that consideration should be given by the Parliament to a permanent Parliament road show to publicise its activities throughout Scotland

that the SPCB should increase resources to match additional demand for existing education services, and to develop further its outreach activities as part of the Parliament's external communications strategy.

that the SPCB should consider how it might support and develop the 'Put it to your MSP' programme

that the SPCB should publish guidelines for responses to correspondence by the Parliament, and that the Conveners’ Group should add similar guidelines in respect of committee correspondence

that the SPCB should review the level of resources available to the Media Relations Office

that there should be a concordat between the Civic Forum and the Parliament and that the Parliament and the Executive should ensure that all 'gateway organisations' through which they seek to extend access and participation in the Parliamentary process are resourced adequately to achieve all agreed objectives

that MSPs should always apply equal opportunities principles in their work

that the Clerk/Chief Executive publish an annual equality report, and that consideration is given to debating this report in the Parliament's plenary session

that equal opportunities training is offered, and taken up, by SPCB staff and MSPs alike, and that the SPCB should prepare appropriate training courses for MSPs and their staff

that the annual staff equality audit be reported on fully by the Chief Executive in his report to the Parliament

that the SPCB should provide appropriate budget training for MSPs to ensure they feel equipped for scrutinising the annual budget

that the Parliamentary authorities should consult on, and bring forward, changes to the Standing Orders to require Ministers to offer relevant and appropriate answers to oral questions

that the Executive and the Parliament should set up a steering group of MSPs and Ministers, supported by civil servants and parliamentary officials, to bring forward a practical agreement to agree and implement a new relationship between the civil service and the Parliament

that the Parliament should be an active partner in the modernising and open government process, with opportunity to initiate and comment on proposals in such areas as the structure, staffing and operation of the Scottish Administration and in others central to modernising government.
### Power Sharing

<table>
<thead>
<tr>
<th>No.</th>
<th>Recommendation</th>
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<tr>
<td>100</td>
<td>that the SPCB should consider whether it should make its work more transparent and that it should consider the implications of conducting some of its business in public</td>
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<tr>
<td>101</td>
<td>that, in its review of corporate governance, the SPCB should consider whether the number of SPCB posts allows its members to discharge the broad extent of its current responsibilities</td>
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<tr>
<td>102</td>
<td>that the SPCB might wish to consider whether an alternative title could assist in the overall transparency of its operations</td>
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<tr>
<td>107</td>
<td>that the Parliamentary authorities should issue clear guidance to inform constituents what representations they can expect MSPs to make on their behalf, that the guidance should also refer to the responsibilities of MPs, MEPs and local councillors in order to clarify for constituents how they are represented at all levels and assist them in identifying which representative is in the best position to address their needs and interests</td>
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<tr>
<td>108</td>
<td>that existing guidance should be reviewed by the Parliamentary authorities, and extended to clarify the various roles of MSPs, and that consideration should be given to how any guidance agreed could be disseminated widely outside the Parliament</td>
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<tr>
<td>110</td>
<td>that the SPCB should consider how it could facilitate and resource local meetings</td>
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<tr>
<td>123</td>
<td>that the SPCB should make additional resources available to ensure that the Public Petitions Committee is able to carry out the additional work which is likely to be generated [by other recommendations directed at that committee].</td>
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<tr>
<td>125</td>
<td>that no initial consultation by any Parliamentary committee or body on any non-legislative matter should normally contain a deadline for responses of fewer than eight weeks</td>
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<tr>
<td>126</td>
<td>that where a second or subsequent consultation on substantially the same subject is issued, the deadline for this should normally be four weeks.</td>
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<tr>
<td>127</td>
<td>that the Executive and the Parliament, whenever they initiate consultation, should invariably make the policy position clear in the consultation documentation</td>
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<tr>
<td>130</td>
<td>that [the Executive and] the Parliament should consider the possibilities for streamlining their consultation processes on legislative proposals and work programmes in general, and achieving earlier identification of lead committees on Bills</td>
</tr>
<tr>
<td>131</td>
<td>that the work plans of the Executive and the Parliament be co-ordinated where possible</td>
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<tr>
<td>135</td>
<td>that our successors on this Committee should review the CSG principles on the basis that they are the Parliament’s principles</td>
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### Parliamentary Bureau

### Accountability

<table>
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<tr>
<th>No.</th>
<th>Recommendation</th>
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<tr>
<td>42</td>
<td>that the Parliament should agree a convention that timetabling arrangements should normally be made to allow all MSPs who wish to speak once in a Stage 1 debate, and on a Stage 3 amendment, to do so; and, if necessary, that greater use should be made of the facility to extend debates on Wednesdays</td>
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<tr>
<td>60</td>
<td>that subject debates, i.e. debates of a subject matter, without a motion, be held on a trial basis</td>
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<tr>
<td>62</td>
<td>that the Bureau consult on whether motions should be lodged a minimum of 4 sitting days in advance of the dates of debates and amendments a minimum of 2 sitting days in advance</td>
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<tr>
<td>63</td>
<td>that the Bureau should consult on alternative, more transparent methods for selecting motions for Members’ Business, and that the necessary changes to Standing Orders should be brought forward as early as possible in the next Session</td>
</tr>
<tr>
<td>64</td>
<td>that at least one Members’ Business motion which has attracted a high level of support be scheduled for debate between 14.00-17.00 on Wednesday or 09.30-17.00 on Thursday early in the next Session on a trial basis</td>
</tr>
<tr>
<td>65</td>
<td>That the Bureau give consideration to increasing the time available to Members’ Business</td>
</tr>
</tbody>
</table>

**Power Sharing**

- 81 that the principle of party balance should be applied consistently across all committees and convenerships
- 84 that more information about the considerations which guide the Bureau be provided
- 92 that the Bureau should consider, and report to the Parliament, how it could make its operation more transparent, including publishing agendas and more detailed records of decisions taken, opening up meetings to MSPs and meeting in part in public, in certain circumstances
- 93 that the Bureau should respond to backbench concerns by opening a new means of dialogue
- 94 that a Parliamentary *outline* business programme be drawn up
- 95 that a detailed implementation plan for consideration be drawn up in due course by the Bureau
- 96 that a Bureau agenda be published in the Business Bulletin two working days prior to the meeting
- 97 that provision for the Presiding Officer’s casting vote should be retained in the Standing Orders
- 98 that the Bureau itself should consult on and recommend a proposal to re-name the Bureau
- 99 that the Bureau should produce a brief annual report

**CONVENERS’ GROUP AND COMMITTEES**

**Conveners’ Group**

**Access and Participation**

- 15 that the SPCB should publish guidelines for responses to correspondence by the Parliament, and that the Conveners’ Group should add similar guidelines in respect of committee correspondence
- 21 that Committees should consider holding more regular press events

**Equal Opportunities**

- 29 that all committees should attach the highest priority to implementing guidelines on implementing equal opportunities
- 30 that lead Committees should take a greater responsibility for the equal opportunities aspects of the Bills before them
- 32 that the idea of each committee having a “champion” for equal opportunities should be considered
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<tr>
<td>33</td>
<td>that Committees’ Annual Reports should cover any relevant equal opportunities activities undertaken in the course of the year.</td>
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<td><strong>Accountability</strong></td>
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<tr>
<td>46</td>
<td>that the <em>framework</em> for scrutiny established by the Social Justice Committee is adopted across the committees.</td>
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<tr>
<td>47</td>
<td>that the Standing Orders should require committees to give regular formal consideration to the need for post-legislative scrutiny and to report annually on all such work undertaken.</td>
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<tr>
<td>50</td>
<td>that a standing budget adviser be retained.</td>
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<td><strong>Power Sharing</strong></td>
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<tr>
<td>71</td>
<td>that an audit of committees be undertaken, particularly their ‘dual role’ function.</td>
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<td>72</td>
<td>that proposals that committees take items in private are published in advance in the Business Bulletin and on the web site and that conveners should ensure that a full explanation is provided.</td>
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<tr>
<td>73</td>
<td>that each committee should take every decision about finalising reports in privacy on the merits of the case.</td>
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<tr>
<td>74</td>
<td>that committee draft reports on non-legislative matters should be decided by committees in public, wherever possible.</td>
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<tr>
<td>76</td>
<td>that Rule 12.9 should be amended to ensure that all committees place on record in their annual reports the reasons for each instance when they decide to meet privately, or to take a particular agenda item in private, and that committees record what proportion of their time has been spent in private and in public session.</td>
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<td>77</td>
<td>that committees publish draft forward work programmes regularly and normally discuss in public.</td>
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<tr>
<td>78</td>
<td>that committees ordinarily discuss their lines of questioning in public.</td>
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<td>79</td>
<td>that substantive decisions about forward work programmes should be recorded on the Official Report.</td>
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<tr>
<td>81</td>
<td>that the principle of party balance should be applied consistently across all committees and convenerships.</td>
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<tr>
<td>82</td>
<td>that committees should continue to take every appropriate opportunity to meet outside Edinburgh.</td>
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<td>83</td>
<td>that the Conveners’ Group should have regard to the potential workload implications of Committees working jointly with the Executive on legislative proposals, inquiries and consultations when deciding on membership.</td>
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<td>86</td>
<td>that committees should seek breadth and variety of expertise when engaging advisers and that guidelines on the selection of advisers should be published.</td>
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<td>87</td>
<td>that the Conveners’ Group and individual committees should consider establishing 'citizens' forums' or ‘expert panels’.</td>
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<td>88</td>
<td>that committees should be as flexible as possible in the consultation techniques, and venues.</td>
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<td>89</td>
<td>that, from 2004, committees should include specific paragraphs on civic participation in their annual reports.</td>
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<td>90</td>
<td>the Conveners’ Group to consider whether brief annual reports convey adequately the considerable work which committees undertake.</td>
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<tr>
<td>94</td>
<td>that a Parliamentary outline business programme is drawn up, and noted by the Parliament as an early item of business after the summer recess.</td>
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<td>103</td>
<td>that the Conveners’ Group should consider whether there is a case for increased transparency in its work.</td>
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<td>113</td>
<td>that the ‘mainstreaming’ of petitions in the Parliament should be maintained.</td>
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<tr>
<td>114</td>
<td>that the PPC and the subject committees, through the Conveners’ Group, should reach agreement for the PPC to undertake more inquiries itself, and bring forward proposals for any changes to the Standing Orders required</td>
</tr>
<tr>
<td>115</td>
<td>that Rule 15.6 should be amended to make explicit the ‘joint ownership’ of petitions between the PPC and subject committees and that the Conveners’ Group agree with the Petitions Committee an appropriate formula for revised Standing Orders</td>
</tr>
<tr>
<td>116</td>
<td>that where a subject committee is discussing a petition, the petitioner should invariably be notified and invited to all of the relevant sessions</td>
</tr>
<tr>
<td>120</td>
<td>that each subject committee should report on its petitions activity in its Annual Report, and that Rule 12.9 of the Standing Orders should be amended to place this requirement on all subject committees</td>
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<td>125</td>
<td>that no initial consultation by any Parliamentary committee or body on any non-legislative matter should normally contain a deadline for responses of fewer than eight weeks</td>
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**Audit Committee**

**Accountability**

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<tr>
<td>53</td>
<td>that subject committees might make use of Audit Scotland reports</td>
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<tr>
<td>54</td>
<td>that there could be a case for plenary debate of major points arising from any audit ‘overview’ report</td>
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**Equal Opportunities Committee**

**Equal Opportunities**

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<tr>
<td>16</td>
<td>that the Procedures Committee and the Equal Opportunities Committee should review the Parliament’s external communications strategy, including the language policy, in the course of the next Parliamentary session</td>
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<tr>
<td>25</td>
<td>that the Equality Framework document be kept up-to-date and that its targets are assessed regularly</td>
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<td>31</td>
<td>that the Finance and Equal Opportunities Committees should consider the creation of an equal opportunities 'expert panel' on the Scottish Budget</td>
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<tr>
<td>36</td>
<td>that the Equal Opportunities Committee should commission regular reports on the above and all related practices and initiatives</td>
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### Finance Committee

**Equal Opportunities**

| 31 | that the Finance and Equal Opportunities Committees should consider the creation of an equal opportunities 'expert panel' on the Scottish Budget, as suggested by the Equal Opportunities Commission |

### Local Government Committee

**Access and Participation**

| 22 | that all parties to the Local Government – Parliament covenant should support a programme of information to promote greater understanding about the functions of the different parts of government, how these affect people's day to day lives, and the ways in which the parts co-operate to serve the public more efficiently |

### Procedures Committee

**Access and Participation**

| 16 | that the Procedures Committee and the Equal Opportunities Committee review the Parliament's external communications strategy, including the language policy, in the course of the next Parliamentary session |

**Accountability**

| 37 | that a root and branch review of legislative procedures, covering both primary and subordinate legislation, should be undertaken by our successors on this Committee, in collaboration with the Scottish Executive and the Parliamentary authorities, to ensure that the current legislative procedures and resources are fully adequate |
| 45 | that the next Parliament should take the necessary steps to replace the Transitional Order with primary legislation to establish subordinate legislation procedures fit for the purposes of this Parliament |
| 48 | that our successors in the next Parliament should complete the inquiry into Sewel motions |
| 55 | that the balance of PQs and NDPBs should be pursued by our successors on this Committee. |
| 56 | that our successors on this Committee should conduct a fundamental review of questioning and answering |
| 66 | that our successors consider taking forward such proposals for changes to the Parliamentary week as command support |
| 68 | that our successors on this Committee should produce, a framework for scrutiny of “arms length bodies” |
| 70 | that the remit of the Procedures Committee is extended to enable the Parliament to formulate views on constitutional and governance matters |

**Power Sharing**

<p>| 75 | that the Standing Orders be amended to allow committees to agree to the attendance of MSPs who are neither members nor |</p>
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<tr>
<td>80</td>
<td>that Rule 6.2.2 is amended to clarify the requirement that draft Stage 1 reports of committees on Bills be considered and agreed in public</td>
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<td>106</td>
<td>that our successor Committee should request in due course an issues paper on progress by the Executive in inviting the UK Government to investigate methods by which the Parliament can take control of its own proceedings</td>
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<tr>
<td>132</td>
<td>that our successors should not attempt a full annual review of the application of the CSG principles</td>
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<tr>
<td>133</td>
<td>that the process of reviewing the application and development of the key principles should remain the business of the Parliament</td>
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<td>134</td>
<td>that our successors on this Committee should establish a regular convention or Chamber event</td>
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<td>135</td>
<td>that our successors on this Committee should review the CSG principles on that basis that they are the Parliament’s principles</td>
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**Public Petitions Committee**

**Power Sharing**

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<tr>
<td>111</td>
<td>that the Public Petitions Committee (PPC) should publish a development plan to extend the use of the petitions</td>
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<tr>
<td>112</td>
<td>that high priority should be attached to ensuring that all electronic arrangements for petitions are housed on the Parliament’s own website; and that the numbers of petitions submitted electronically should be quantified and monitored by the PPC</td>
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<tr>
<td>117</td>
<td>that petitioners receive regular feedback from the PPC clerking team on the progress of their petition, and that standards of feedback are developed and published so that petitioners will know the level of service to which they are entitled</td>
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<tr>
<td>118</td>
<td>that the PPC should amend its guidance leaflet</td>
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<td>119</td>
<td>that the PPC should follow up the outcome of such recommendations as it might make</td>
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<td>121</td>
<td>that the PPC should publish annually a report on progress on petitions and that consideration should be given to whether the PPC’s report has identified issues which should be debated in committee time in the Chamber</td>
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<tr>
<td>122</td>
<td>that a range of techniques could be considered to publicise petitioning</td>
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<td>124</td>
<td>that the PPC should conduct a review of the way these new arrangements have worked</td>
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**STAFF BODIES**

**Parliamentary authorities**

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<td>38</td>
<td>that minimum periods be agreed for the passage of Bills at Stage 1 and Stage 2 but with scope for longer periods to be provided</td>
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<td>39</td>
<td>that the minimum period that must elapse between the day on which Stage 1 is completed and Stage 2 starts be increased</td>
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<td>40</td>
<td>that the minimum period between the day on which Stage 2 is completed and the day on which Stage 3 starts be increased</td>
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<td>41</td>
<td>that the Parliamentary authorities recommend appropriate times for minimum periods for and between the stages of Bills as soon as possible after the start of the new Session</td>
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<td>44</td>
<td>that urgent consideration should be given by the Parliamentary authorities to whether the timetable for a Stage 3 debate should be advisory only, so that the Presiding Officers can be flexible in allowing those who wish to speak on amendments for which time has not been allocated to do so, and to extend if necessary the overall time required to debate all the amendments</td>
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<td>49</td>
<td>that the Parliamentary authorities should consider proposals for improving the present process for dealing with Sewel motions with a view to implementing sensible improvements without delay</td>
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**Internet/Intranet Editorial Board (IIEB)**

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**Equal Opportunities**

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**Accountability**

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**Media Relations Office**

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### Research and Information Group (RIG)

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