The Committee will meet at 10.30 am in Committee Room 2.

1. **Oral questions in the Chamber**: The Committee will take evidence from—

   Patricia Ferguson, Minister for Parliamentary Business;

   and will then consider the range of issues that have arisen in the inquiry, with a view to consulting MSPs on options for change.

2. **Item in private**: The Committee will decide whether to consider in private, at its next meeting, a draft report on Oral Questions in the Chamber.

3. **Non-Executive Bills**: The Committee will consider a paper on options for a system of prioritisation.

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**
Oral questions in the National Assembly for Wales (note by the Assistant Clerk)  
PR/S2/03/7/1

Replies from Edinburgh City Council and Scottish Trades Union Congress  
PR/S2/03/7/2

Reply from Federation of Small Businesses in Scotland  
PR/S2/03/7/11

Further submissions from parties and MSPs  
PR/S2/03/7/3

Reports by civic participation groups  
PR/S2/03/7/4

Analysis of results from FMQT public gallery questionnaire  
PR/S2/03/7/5

Analysis of results from QT public gallery questionnaire  
PR/S2/03/7/10

Summary of evidence and options for the Committee (to follow)  
PR/S2/03/7/6

**Agenda item 3**
Paper by the Clerk  
PR/S2/03/7/7

The following papers are attached for information:

Replies from the Presiding Officer and Chief Executive about the previous committee’s Founding Principles report  
PR/S2/03/7/8

Correspondence about items in private  
PR/S2/03/7/9

Minutes of the last meeting  
PR/S2/03/6/M

**Note:** The following documents, also relevant to item 1, have previously been circulated (and are accessible via the website). Members can also obtain further copies on request from the clerks.

Issues paper (note by the Clerk)  
PR/S2/03/4/4

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

Letter from Presiding Officer to Convener  
PR/S2/03/4/7
Paper by Chamber Desk  PR/S2/03/5/1
Submissions by individual MSPs  PR/S2/03/5/2
Submissions by individual MSPs  PR/S2/03/6/1
Submission by the Executive  PR/S2/03/6/2
PROCEDURES COMMITTEE

ORAL QUESTIONING INQUIRY

Procedures and Practices of other Legislatures

NATIONAL ASSEMBLY FOR WALES

Background

1. The Assembly normally meets in plenary twice each week, on Tuesdays and Wednesdays. Oral questions are currently taken on both days – First Minister’s Questions on Tuesdays and Ministerial Question Time on Wednesdays. Both oral question sessions form the first substantial item of business for that day, beginning at 2.00 pm and lasting until approximately 2.50 pm.

2. The functions of the National Assembly are devolved to the First Minister, who in turn delegates areas of responsibility to the Cabinet Ministers. (Certain “parliamentary” functions are also delegated to the House Committee, which performs some of the functions of the Scottish Parliamentary Corporate Body.) Currently, there are 8 Cabinet Ministers who collectively have responsibility across 9 portfolios (the portfolios of Finance and Local Government are dealt with by a single Minister).

3. As in the Scottish Parliament, oral questions must relate to powers that have been devolved to the Assembly. The Assembly has responsibility over a wide range of subject areas that include the construction of light railways wholly in Wales, tourism in Wales, oversight of PFI s in Wales, the oversight and direction of local authorities in Wales (excluding Police and Fire authorities), the national curriculum in Wales, the Welsh language, and most aspects of the National Health Service in Wales.

4. It is clear that Assembly Members view oral questions as an important mechanism for scrutinising the Assembly Ministers. This is shown by the fact that, unlike in most other legislatures, more oral questions were tabled in the First Assembly Term (1999-2003) than written questions.

Tabling and selection of oral questions

5. Other than the number of questions that each Member may ask, the Rules for the tabling and ordering of questions are the same for both First Minister’s Question Time and Question Time. Members may table a single question each to the First Minister and the House Committee¹, whereas they may table up to 2 questions for answer by other Ministers.

¹ Questions to the House Committee relate to internal matters and are taken once every 4 weeks, for at least 5 minutes, following Ministerial Question Time. For example House Committee questions taken on 16 July covered the topics of the sale of Welsh bottled water in the Assembly's restaurants, the provision of fair trade drinks from the Assembly’s catering
6. All questions must be tabled with the Table Office between 5 and 10 days before they are to be answered. A maximum of 15 questions is selected for answer by any Minister on any one day. These questions are selected as follows: those lodged before 3.30 pm on the first day that they may be tabled are all shuffled in random order; if there are fewer than 15 of these, questions lodged after 3.30 pm on the first day are selected in the order that they are lodged. In practice, as Members table their questions at the first opportunity – before 3.30 pm on the first day – all questions are, therefore, selected randomly.

7. The random selection process utilises an electronic ‘shuffle’ system, which is similar to that used by the Scottish Parliament’s Chamber Desk. As a result of this process of selection, every question that is tabled is treated equally. No preference is given to opposition parties or party leaders or spokespeople. However, it may be relatively easier for party leaders to catch the Presiding Officer’s attention in relation to supplementary questions (see below).

8. Of the 15 questions selected for answer by each Minister, Members receive a written answer for those that are not reached. Such written answers are provided on the same day and are published in the Record of Proceedings.

**Answering questions at Ministerial Question Time**

9. Oral questions to Ministers are organised thematically, based on a four week cycle. Each Ministerial Question Time is shared between two portfolios, giving each Minister approximately 25 minutes to answer questions every four weeks. Topical questions that relate to a Ministerial portfolio not appearing on the rota a certain week, may be either directed to the First Minister, or may utilise the emergency questions mechanism (see below).

10. As with the Scottish Parliament’s Business Motion, the questions cycle is proposed by the Business Minister, but must receive the approval of the Assembly.

11. Where a Minister is not able to attend another Minister may, with the consent of the Presiding Officer, answer questions on their behalf.

**Supplementary questions**

12. The practice in terms of supplementary questions applies in the same way at both First Minister’s Question Time and at Ministerial Question services, and the accessibility of glass and plastic recycling facilities throughout the Assembly.

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2 The Minister for [Assembly] Business does not at present answer questions at Question Time. Thus there are eight Question Time slots in each 4-week cycle, with the Minister for Finance and Local Government appearing twice, once for each of her portfolio responsibilities. A member of the House Committee also answers questions for 5 minutes every four weeks.
Time. Each questioner may ask a supplementary question after the Minister has given his/her first reply. It is at the discretion of the Presiding Officer, however, as to whether additional supplementaries from other Members are called. In considering whether to call further supplementaries the Presiding Officer will balance the need to explore an issue fully and to allow as many tabled questions to be asked as possible.

Other mechanisms for asking oral questions

13. As all oral questions are ‘on notice’ – that is the text of each question is lodged in advance of the day on which it is to be asked – there is little scope for either topical or surprise questions to be put to Ministers. There is, however, a mechanism that allows a Member – with the permission of the Presiding Officer – to table a question outside the normal notice period. In these circumstances, the Presiding Officer must be satisfied that the question is both of urgent character and of public importance. This ensures, therefore, that the relevant Minister can be held to account on topical issues that are both urgent and of public importance ³.

14. There is also a separate mechanism by which emergency issues may be raised in the Chamber. A Member may propose that a debate be taken that day (or the next day if the Presiding Officer decides) if the Presiding Officer gives permission and the Assembly so resolves.

³ Such ‘questions without notice’ may not be directed to the House Committee. Questions to the House Committee should always be tabled in the normal manner that is to be lodged with the Table Office between 5 and 10 days in advance of the day on which the questions are to be asked.
Mr Andrew Mylne  
Clerk to the Procedures Committee  
Room 5.19  
The Scottish Parliament  
George IV Bridge  
Edinburgh  
EH99 1SP

Dear Mr Mylne

INQUIRY INTO THE PARLIAMENT’S ORAL QUESTIONING PROCEDURES

The Chief Executive has asked me to reply to your letter of 14 October 2003.

The Council’s Standing Orders contains specific provisions for any member of the Council to put a question to the Lord Provost or to a member of the Council’s Executive, at a Council meeting, about any relevant and competent business. A copy of the Standing Order is attached to this letter. There is a Council meeting every four weeks and there are usually around 5-15 questions submitted for answer at each meeting. In practice, they are always answered in writing and the time allocated for questions at the meeting is used solely for any oral supplementary questions and answers. Written questions and answers, and the supplementary questions and answers, are recorded in the Council minutes. Please note also that the provision contained in sub-paragraph (2) of the Standing Order is, in practice, never used.

In May 2000, the Council introduced new political management arrangements replacing traditional service committees with a Council Executive and introducing new scrutiny and area committees (Local Development Committees). At that time, provision was made in Standing Orders for the Leader of the Council, who chairs the Council Executive, to submit a progress report to each Council meeting. There are no rules or guidelines as to what this report should contain and how it should be debated but, in practice, the Leader has interpreted the provision widely and takes oral questions without notice from members of the Council on any aspect of his report or indeed on any other matter. He may also invite another member of the Executive who has responsibility for the relevant service area to deal with an oral question. The length of this period of questions is at the discretion of the Lord Provost. No verbatim record is kept of these exchanges.

In/…
In addition, there has been an experiment with annual reports to Council by Executive Members on their area of responsibility, on a phased basis. The Executive Member speaks to his or her report and takes oral questions from members of the Council on it, as with the Leader’s report. However, there is no provision in Standing Orders for this and, since the Council elections in May, the Council has yet to decide whether it wishes to continue this arrangement.

If you require any further information, I should be happy to oblige.

Yours sincerely

John Sturt
Council Secretary

Enc
Introduction

The STUC is Scotland’s Trade Union Centre. It exists to provide services for 46 affiliated trade unions and 32 trades union councils, representing 630,000 trade union members across Scotland. Its purpose is to co-ordinate, develop and articulate the views and policies of the trade union movement in Scotland, reflecting the aspirations of trade unionists as workers and citizens.

The STUC played a key role in the campaign to establish the Scottish Parliament and has actively sought to engage with the Parliament and its committees in seeking to ensure that decisions are informed by the views of working people.

We welcome the opportunity to offer views to the Procedures Committee as part of its inquiry into Oral Questions in the Scottish Parliament.

Oral questions to Ministers are a key element of procedures to ensure effective scrutiny by the Parliament of the policies and actions of the Scottish Executive. Decisions about the appropriate format for Question Time should be taken in the context of other Parliamentary procedures for information gathering, debate and decision-making. Oral questioning procedures should be designed to ensure transparency, equality of access for MSPs and political parities (based on proportionality), and adequate scrutiny of Executive Ministers.

This submission seeks to answer a number of the questions outlined in the Committee’s call for evidence, as published on 5 September 2003.

First Minister’s Question Time

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

It is our view that questions by the main opposition party leaders should continue to be routinely selected for every First Minister’s Question Time and that this convention should be extended to include the leaders of the smaller parties on an appropriate proportional basis. Given inevitable time constraints, we acknowledge that this may require a reduction in the number of supplementary questions allotted to party leaders if backbenchers are not to lose the opportunity to address questions to the First Minister.
ii) *Alternatively, should only backbenchers questions be selected, on the understanding that party leaders would then be called to ask supplementaries?*

Opposition party leaders currently ask an open question followed by supplementary questions on contemporary issues. Changing the convention, as outlined in this question, would require party leaders to choose to supplement a question from those lodged in advance. Given random selection, there would be no means to guarantee that there would be an opportunity to raise an issue of their choice. The opportunity to address contemporary issues arguably helps to ensure effective scrutiny of the Executive.

iii) *At FMQT, should the main opposition party leaders continue to be able to ask “open questions”? If so, should other party leaders or backbenchers also be able to ask open questions?*

The ability to ask “open questions” increases the scope for holding the Executive to account on contemporary issues. Decisions about the most appropriate format of First Minister’s Question Time should be taken in the context of the other opportunities that exist to raise more detailed debate about specific policy matters, such as members’ debates and individual committee inquiries.

**Question Time**

i) *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?*

As indicated above, Question Time is not the only opportunity available to MSPs to raise questions and debating points with individual subject Ministers. Arguably, the main benefit of the existing system, whereby questions can be addresses to any Minister, is that it ensures that topical questions can be asked. Narrowing the range of question that can be asked on a particular week could, consequently, have a negative impact on the level of scrutiny offered by Question Time. It may also be the case that that MSPs would look to finding creative ways to work topical questions, which are not relevant to the theme being addressed in a particular session, into themed question times thereby undermining the thematic approach. Should a themed approach be pursued consideration would require to be given to how ensure transparency and accountability in the means by which themes are determined and the time allotted to questions on particular themes.

ii) *Should questions for Question Time (whether it remain general or become thematic) continue to be selected on a purely random basis?*

Given that time constraint will always be an issue, random selection of questions for oral answers offers the fairest basis for selection. Consideration may, however, require to be given to the basis on which MSPs are selected to ask supplementary questions.
The Parliament’s electronic voting system is used by MSPs to indicated a desire to ask a supplementary question and the Presiding Officer has discretion to decide about who is then called. Unlike the system at Westminster, it is not obvious to MSPs or to other observers who is seeking to be heard. Questions, therefore, arise about the transparency of the system.

**General**

i) *Should the member asking a question always be allowed to ask the first (and perhaps also the last) supplementary?*

The opportunity to ask the first supplementary question provides an important opportunity to ensure that the original question is fully answered and to respond to any issues arising from that answer.

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

The requirement to lodge oral questions some days in advance is currently balanced by the opportunity to ask spontaneous supplementary questions. It is important that this type of balance is maintained.

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

Both Ministers and those asking supplementary questions should be under the same obligation to keep remarks concise and relevant. This is a matter for the Presiding Officer to control and a responsibility that can be discharged transparently.

**STUC**

November 2003
PROCEDURES COMMITTEE

INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Submissions from parties and MSPs

SUBMISSION FROM THE SCOTTISH LIBERAL DEMOCRAT PARTY
[NB: copies of this were handed round to members at the meeting on 4 November]

First Minister’s Question Time

We believe the leader of the main opposition party should continue to have the first slot during FMQT and be able to ask an open question with several supplementary questions.

Every other party should then be allowed a slot to ask a topical question.

Question Time

Question Time on Thursdays should continue as before but over a 30-minute time period.

A new Wednesday afternoon time slot should be introduced from 2 pm to 2.30 pm. This is to introduce a thematic element, allowing particular Ministers to be questioned for this 30-minute slot. The Ministers would therefore be questioned in rotation.

Members’ questions should be submitted in advance as happens with the current Question Time to give the Ministers advance notice of the question. Following the member’s supplementary and Minister’s answer, the Presiding Officer should then allow ample opportunity for follow up supplementary questions from other members on that topic.

General

We believe the member should continue to ask the question first and ask one supplementary. Ministers should be under an obligation to keep their answers brief and relevant to the question asked.

We believe that if our proposals are implemented, this will keep an appropriate balance between spontaneity and topicality.

New Opportunities for Questioning

We do not agree that Committee conveners should question the First Minister on a regular basis.

We do not feel there needs to be more opportunities for oral questions addressed to the Presiding Officer.
E-MAIL FROM THE SCOTTISH LIBERAL DEMOCRAT PARTY

First Minister’s Question Time

Following on from the question that the convener put to us at this week’s Procedures Committee on whether the Liberal Democrat Group supported the continuation of First Minister’s Question Time in its 12 noon slot, a discussion on this matter was held at Tuesday night’s Group Meeting.

I was instructed at the meeting to convey the unanimous decision that their view was that it was not working and that First Minister’s Question Time should be moved back to its previous slot – to after Minister’s Question Time – as soon as possible.

George Lyon MSP
Chief Whip
Scottish Liberal Democrats
6 November 2003

E-MAIL FROM JANIS HUGHES MSP

At FMQ’s, I think that the main opposition party leaders should ask specific questions and not be allowed to submit completely open questions as at present.

For other questions, I favour a themed approach with at least some of the allotted time given to a particular portfolio. In this regard, I think questions should still be selected randomly to encourage fairness.

I think it is necessary to continue with supplementary questions as this is the only way to pursue the line of questioning but perhaps allowing the initiator to have the last supplementary also would be useful. I think there is a balance of spontaneity and topicality by allowing supplementary questions which allow the questioner to widen the subject.

I hope this is helpful.

Janis Hughes
6 November 2003

E-MAIL FROM BRIAN MONTEITH MSP

Here are my thoughts following your call for further evidence and in the light of current experience with the new FMQs and Oral 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?

Yes and yes. What ain't broke should not be fixed.

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

No. It is the fact that the FMQs are blind that makes it a special occasion and draws interest in Scotland – and through webcast from around the world. If any MSP could start the question off it would have to be blind to work, but then under standing orders the Party leaders would be constrained by the subject that the Member had chosen!

It is no use having a question chosen by the Presiding Officer (we have these already and they are usually dull). It gives too much warning to the First Minister and too much power to the Presiding Officer.

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 is the open question that ensures the real intent of the questioner is blind to the First Minister. This is why it works: it is theatre, it is a real-time political challenge where the First Minister has to think on his feet and give a good answer. ALL the questions to the First Minister should be open so that all the MSPs can fire off tough questions that the First Minister will have to answer. Not only will this make FMQs more interesting for the WHOLE PERIOD it will also sharpen up our MSPs who will also have to think their own questions up on the spot!

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 should be a general section every week so that we have the opportunity to raise any question any week.

There should, however, be a thematic section when a Minister of each department takes it in turns to face open (and therefore blind) questions from MSPs of all parties. The lead spokesmen of the parties could kick it off with a maximum of, say eight questions being asked – rather like Scottish Questions at Westminster. It could be given its own slot on a different time or day or be part of the usual question time. If
we worked until 7 or 8 pm on the Wednesday it would be easier to make time available.

Should questions for Question Time (whether it remains general or becomes thematic) continue to be selected on a purely random basis?

General should be random. Thematic should have the spokesman first and then turn into random. It is best to let the 'specialists' start the questioning; it would be absurd if they were not to have any questions taken as they would then try to dominate the supplementaries.

General

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

Yes and maybe. I would like to see how the second idea worked in practice.

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?

Spontaneity brings topicality. Advance notice only lets the mandarins draft a smart answer.

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

Yes and Yes. Eating up the clock should be stamped upon.

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?

No. To what benefit? It is not my job as a convener to catch out the First Minister for being ignorant of a fact – but it is my job as an opposition politician. I do not want the two jobs confused. As a Convener I am answerable to my committee members and it would undermine my ability to work with all party members. I can ask a question whenever I want already by submitting it in writing!

Should there be more regular opportunities for oral questions addressed to the Presiding Officer and other members of the Parliamentary corporation (SPCB)?

Can't think why? Each party has a SPCB member that can report back so what is there to ask? I’m willing to give it a try but think it will be a damp squib.

Brian Monteith MSP
12 November 2003
PROCEDURES COMMITTEE

INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Submissions from focus groups

1. At its meeting on 7 October 2003, the Committee agreed to seek the views of certain targeted community groups across Scotland as part of its inquiry into oral questions.

2. Care was taken to identify groups with some existing awareness of the Parliament, or previous involvement with it, but who are not part of established consultation networks.

3. Six groups in total were selected, allowing for a good variation of interests as well as a geographical spread. After attending a session of Question Time and First Minister's Question Time, each group was asked to submit a written response detailing its views of the current oral questioning procedures. The following groups have responded and their submissions are attached:

   - Democracy, Disability and Society group, based in Edinburgh. 9 people attended the Parliamentary session on 30 October.
   
   - Moray Against Poverty Network, based in Keith. 6 people attended the Parliamentary session on 6 November.
   
   - Building Healthier Communities, North West Dumfries Area Partnership for Health, based in Dumfries. 9 people attended the Parliamentary session on 6 November.

4. These 3 remaining groups have yet to submit a response:

   - Community Connections Project, based in Easterhouse, Glasgow. 12 people attended the Parliamentary session on 6 November.
   
   - Inverclyde Community Development Trust, based in Greenock. 17 people attended the Parliamentary session on 6 November.
   
   - West Lothian community group, based in Livingston. 10 people attended the Parliamentary session on 6 November.
SUBMISSION FROM THE DEMOCRACY, DISABILITY AND SOCIETY GROUP

FMQT

- The group believes that questions by the main opposition party leaders should continue routinely to be selected for every FMQT. This should be extended to include the leaders of smaller parties on a proportional basis.
- The group believes that backbench questions should not be selected as we feel that is too radical a change within this review but that this suggestion would be worth considering some time in the future.
- The main opposition party leaders should continue to be able to ask “open questions”. We feel that the roundabout method used to introduce the open question is unnecessarily time wasting and the question should be put in a way that goes straight to the point. Whether that still means asking about the First Minister’s priorities, this should be directly asked rather than “diary” type questions. Furthermore, other party leaders and backbenchers should be able to ask open questions on a proportional basis.

Question Time

- Question Time should continue to cover all areas of Executive activity each week and a thematic element should not be introduced.
- We feel that 15 of the questions for question time should continue to be selected on a random basis with the other 15 questions to be selected by the Presiding Officer on a proportional basis between parties and on these questions being topical subjects.

General

- We feel that the member asking the question should always be able to ask the first and last supplementary question. The Presiding Officer must be firm about MSPs sticking to the point of the supplementary question.
- Ways in which an appropriate balance can be struck between the benefits of advance notice and spontaneity would be:
  - by having the open question being made straight to the point and not time wasting with a diary type question;
  - by the Presiding Officer being firm about MSPs sticking to the same open question that was raised; and
  - by the Presiding Officer being firm about the time allocated to all questions.
- Ministers should be under an obligation to be brief and relevant to the question asked.

New Opportunities

- We feel there would be merit in providing a regular opportunity for Committee Conveners to question the FM at a public meeting of the Conveners’ Group.
• We feel there should be more regular opportunities for oral questions addressed to the PO and other members of the SPCB. Time should be allocated for this on perhaps a quarterly basis.

Democracy, Disability and Society Group
12 November 2003
SUBMISSION FROM THE MORAY AGAINST POVERTY NETWORK GROUP

The Moray Against Poverty Network is a voluntary organisation that is trying to raise awareness around poverty and the effects of poverty in Moray, throughout Scotland and on the wider international scene. Our aim is to act as a collective voice and support network for those whose lives are directly affected by poverty or who have an interest in this work.

The Moray Against Poverty Network grew out of a previous gathering of people in 2001, interested in anti-poverty issues and finding ways of beginning to address them. Proposals to form a local support group have been around for about four years but during that year there was clearly renewed interest and a determination to take the anti-poverty agenda in Moray forward. In the last year we have formed an action committee that has consisted of about twenty people. We have constituted ourselves, networked with other anti-poverty groups in Scotland including having representation on the national network Communities Against Poverty, part of the Poverty Alliance.

Over the last months we have spent time clarifying our own aims and objectives.

We are hoping to do this through several routes:

- Training – members of the network identified that they required confidence and information to take up this challenge.

- Sessions in how to deal with the press, IT, using video as a campaigning tool, and specific training for women to find their political voice to make a difference. We have also held a residential weekend for thirty people around confidence building, social ranking and power issues.

- Research – we feel that research, identified and carried out by people who are experiencing poverty, is a powerful tool, and hopefully the research can affect decisions that are often made by people who have never had to go without. We are presently conducting a research project to evidence the levels of poverty in Moray in partnership with Robert Gordon University.

- Recently the group has published an information pack “Skint in Moray” that signposts where best to get help, particularly aimed at young people, and handy tips on surviving on a low income.

The Moray Against Poverty Network was asked by Jane Jones (Scottish Parliament Participatory Officer) on behalf of the Scottish Parliament Procedures Committee to participate in its inquiry into oral procedures in the chamber, both First Minister’s Question Time and Question Time.

The following report gives our group’s feedback on the questions that we have been asked to respond to as well as our overall more general comments and feelings.
First Minister's Question Time

*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 leader of the smaller parties on some representational basis?*

As a group we felt that it was rather unfair that it is only the main opposition leaders that ask the questions at every FMQT. The Moray Against Poverty Network (MAP) felt that this format led to more political posturing and fixed positioning, this was probably made even more extreme because of the television cameras being there.

Several members of MAP felt that the way FMQT was conducted did not give the general public a feeling that the Scottish Parliament is a place where a mature democratic process was taking place. Each time the First Minister attempted to answer questions he was jeered, laughed at and talked over. The impression was of a rowdy gentlemen’s club, aping the Westminster Prime Minister’s Question Time. Several in our group felt that many of the MSPs were behaving in a childish unprofessional manner and this did not look very professional to the viewing public.

We felt that smaller parties should be properly represented in FQMT to break up the entrenched way that the different parties interact with each other and to generate more diversity in the debate.

Observing the process we found it very difficult as “Joe public” to follow the process clearly.

Most of us, regardless of our politics, felt as if Jack McConnell was “running the gauntlet” and that this was not the best atmosphere for sharing information.

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

We felt that there should be a mixture of questions being asked by both backbenchers and party leaders. This stops the “cult of personality” going as far as it does and keeps backbenchers on their toes as well. We felt that the party leaders seem to take the credit for all the questions although expertise on any one issue may be anywhere in the chamber, this tack gives no one else a chance to “shine” or backbenchers a chance to express their opinion other than bang on the desk.

*At FMQT should the main opposition party leaders continue to be able to ask “open questions”? If so should other party leaders or backbenchers also be able to ask open questions?*

We felt that it is important to maintain a balance of set questions with some that kept an element of spontaneity and surprise in the process. However we also felt that it is important to keep things on track and the debate relevant.
We felt that this element of surprise should be able to come from any quarter not just the main opposition leaders again to encourage a diversity of approach and perspective.

General feedback on FMQT

The group also felt that the thirty minutes allotted to the session was still not long enough and that 40-45 minutes (even an hour) would be better. It was also felt that both sessions should be either in the morning or afternoon and not straddle the lunch break. However one member of the group felt that they should perhaps be on different days.

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?*

The general consensus of the group was that it would be more productive if there was a more themed approach to question time with more time being given to each question so that the level of debate could be a bit deeper and the responses more comprehensive, especially to issues that are more topical and pressing. One member of the group suggested 30 minutes for thematic and 10 minutes for general. However most of us felt that this session was too short (several questions were missed out) and that perhaps it could be 40 minutes more themed and 20 more general (one hour in total).

*Should questions for Question Time continue to be selected on a purely random basis?*

We felt that questions should be relevant to the themes of that particular day (known 5 days before) but it would be fairer (possible less bias) if a committee of more than one person selected those questions.

General

*Should the member asking a question always be able to ask the first supplementary?*

Again we felt that probably this did not need to be the case. The feeling in our group was the more freedom and lack of structure that exists in the debate, should perhaps be balanced out by a higher level of facilitation or “chairing” of the process.

*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?*

We felt that the selection of the question should reflect topicality and those issues that are the most burning at the time.
Although we felt that for the themed section of question time most of the questions should have advance notice so that proper research can be done so that the answers more informative and comprehensive.

Using a stronger “chair” role for the sessions would hopefully keep things on track.

We felt that a possible balance of 75% (in advance) to 25% (spontaneous) would be about right.

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

Yes, we felt that given the time given to question time it was very important to keep focused, on the issue rather than political “point scoring”.

We also felt that Ministers should be under an obligation to answer all questions asked briefly but fully. The group felt that at times the answers were deliberately evasive.

We also felt that a basic level of respect and good manners should be more in evidence when conducting these sessions, although all of us felt that Question Time was far more to the point, interesting and informative than FMQT.

**New Opportunities for Questioning**

**Would there be merit in providing a regular opportunity for committee conveners to question First Minister at a public meeting of the convener’s group?**

There does not seem to be an advantage for the committee conveners to question the First Minister at public meetings. If it was possible for the floor of the parliament to question the conveners of committees as to why they reached and recommended their decisions that might be something!

**Should there be more regular opportunities for oral questions addressed to the Presiding Officer and other members of the Parliamentary Corporation?**

We felt that this was a good idea and a good way of reviewing any levels of bias and clarifying procedure.

**Conclusion**

We very much enjoyed our visit to the Scottish Parliament and being part of this inquiry. We feel that it is important for a direct response from communities be sought on these matters and thank everyone for giving us the opportunity to contribute our views.

We found the whole day interesting. Generally the group found that Question Time was the more rewarding session to witness. It was fast-paced, informative and entertaining. FMQT was felt by some to be a bit pointless and more about party
politics than getting down to the job. We feel that the general public see through this more and that it does not reflect well on the Parliament as a whole. The constant focusing on the FM when it would have made more sense for him to have passed some of his responses to more informed colleagues would have helped him to stop evading the answers. We feel that true democracy is about letting more representatives within the Chamber have their voice heard. Channelling the debate through party leaders and the FM leads to a much more two-dimensional process; it also does not reflect partnership and co-operation between parties that must go on behind the scenes for government to function but is in so little evidence in the Chamber.

With so much emphasis put on partnership working in local government, why is this not reflected here?

Moray Against Poverty Network
11 November 2003
SUBMISSION FROM BUILDING HEALTHY COMMUNITIES NORTH WEST DUMFRIES AREA PARTNERSHIP FOR HEALTH (MUG)

Group Profile
Maxwelltown Umbrella Group (MUG) aspires to bring together community and voluntary groups working within the North West Dumfries with the aim of improving communication between groups, thereby influencing the way services are delivered as well as improving service provision.

MUG’s Objectives
- To support groups in the local community
- To co-ordinate activities for residents and community groups
- To Survey community needs and address how these needs can be met though Collaborative working
- To foster co-operation between member groups and local central government
- To implement an equal opportunities policy in all its endeavors and activities

One of Maxwelltown Umbrella Group’s (MUG’s) roles is as the North West Dumfries Area Partnership for Health over the past five years. It has been instrumental in identifying local needs within the North West Dumfries and was one of many partners involved in creating the Healthy Living Center Project (Building Healthy Communities BHC), a £1.6 million Dumfries and Galloway initiative funded by the New Opportunities Fund with Dumfries and Galloway NHS being the lead agency. MUG is responsible for the development and implementation of the Building Healthy Communities action plan within North West Dumfries.

Group Responses to First Minister’s Question Time

Should questions by the main opposition party leaders continue routinely to be selected for every (FMQT) – and should this be extended to include the leaders of the smaller parties on some proportional basis?

The general response was yes, as the group were of the opinion that this gave the main opposition party leaders an opportunity to challenge decisions as well as give an alternative view. It was also the group’s view that this opportunity should be extended in some way to include the smaller parties in some proportional basis. In addition the group suggested that the public should have available all the questions submitted for FMQT that are presented to the Presiding Officer. This would inform the public what questions had been submitted by MSPs at local level.

At FMQT, should the main opposition party leaders continue to be able to ask “open questions”? If so, should other party leaders or backbenchers also be able to ask open questions?

The group viewed this as a difficult question as they agreed that the opportunity for the Opposition leaders to ask open questions were vital. The group considered whether it would be possible for the other party leaders or backbenchers to ask supplementary questions based on the response to the opposition leaders’ open question. We don’t know in theory or practice if this would be possible. If not, the
group considered that there should be some way that other party leaders and backbenchers be given this opportunity – perhaps not at a weekly FMQT, perhaps on a rotation basis monthly or bi-monthly; this would create an alternative FMQT. Again we are unsure of how feasible this would be in practice.

**Group Responses to 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?*

The group were in agreement that the current Question Time format was good practice, as the view was that this was useful in gathering information concerning current issues. However the group expressed a view that, should there be a national crisis or a national “burning” issue, perhaps Question Time should then have a thematic session based on that topic.

*Should questions for Question Time continue to be selected on a purely random basis?*

This again was a difficult one. The group are aware that questions are selected randomly via computer. The group preferred this idea rather than one person having the responsibility of selecting questions, as is the practice for FMQT. The group however were unaware how the computer prioritised if indeed there was any priority. Again would encourage the idea that all questions submitted be available for public viewing – the group thought this would give the public a clearer view of what questions were submitted by MSPs.

**Group Response to General Questions:**

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

Difficult one: if this were a yes answer then perhaps there would be closed opportunities for others. Group did not discuss this further.

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

The group felt from their observations of FMQT and Question Time that having advance notice allowed time for Ministers etc to prepare full responses and factual information – most of the questions asked received informative answers. The group agreed also that spontaneity was good as the group also observed that Ministers would be unable to respond to one particular area or topic without having advance notice, although this does create a sense of drama within the Chamber itself and takes away some of the “stuffiness” and “seriousness”.
Should Ministers be under obligation to keep their answers brief and relevant to the question asked?

Yes. As the group commented that sometimes Ministers tended to waffle and evade the question. Although the group thought that a sense of humour was invaluable but should be used sensitively.

General Comments:
A couple of Group members commented that the behaviour within the Chamber was borderline disrespectful at times. Particularly in respect that there were groups of children and young people within the Viewing Gallery being supervised by school staff and Parliament staff. The comments from the group were: “MSPs and Ministers are our weans’ role models. I wonder what they think of all the thumping on desks, jeering and pointing.” However many group members believe that this added to the drama of the chamber.

Submitted By Building Healthy Communities
North West Dumfries Area Partnership for Health (MUG)

Facilitated by Sheila Campbell, Community Health Development Worker.

Members in attendance:
Paul McGregor
Veronica Hunter
Katrina Geddes
Stacie Geddes
Maggie Horan
Tam Muirhead
Carolyn Watson
**FIRST MINISTER’S QUESTION TIME**

Summary of responses to questionnaires issued in the public gallery 31 October and 6 November 2003 – total received 243

<table>
<thead>
<tr>
<th>Question 1: How many times have you attended a session of FMQT?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Today is first visit</td>
<td>213 (88%)</td>
</tr>
<tr>
<td>2-3 times</td>
<td>15 (6%)</td>
</tr>
<tr>
<td>4-7 times</td>
<td>9 (4%)</td>
</tr>
<tr>
<td>8 times or more</td>
<td>6 (2%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 2: Was seeing FMQT your main reason for visiting Parliament today?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>136 (56%)</td>
</tr>
<tr>
<td>No – although I knew it was happening today</td>
<td>69 (28%)</td>
</tr>
<tr>
<td>No – I didn’t know it was happening today</td>
<td>37 (15%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 3: Did you come today as part of a school or study party?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>164 (67%)</td>
</tr>
<tr>
<td>No</td>
<td>76 (31%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 4: Are you on your own or part of a group?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Own</td>
<td>27 (11%)</td>
</tr>
<tr>
<td>Part of Group</td>
<td>209 (86%)</td>
</tr>
</tbody>
</table>
### Question 5: What was your main reason for watching FMQT today?

<table>
<thead>
<tr>
<th>Reason</th>
<th>Count (Percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>For general interest</td>
<td>107 (44%)</td>
</tr>
<tr>
<td>To hear about a specific question or issue</td>
<td>2 (1%)</td>
</tr>
<tr>
<td>To see/support my local MSP</td>
<td>11 (5%)</td>
</tr>
<tr>
<td>To hear the views of different parties</td>
<td>26 (11%)</td>
</tr>
<tr>
<td>Had no choice</td>
<td>13 (5%)</td>
</tr>
<tr>
<td>No particular reason</td>
<td>18 (7%)</td>
</tr>
<tr>
<td>For Procedures Committee Inquiry/Focus Group</td>
<td>20 (8%)</td>
</tr>
<tr>
<td>Other</td>
<td>40 (16%)</td>
</tr>
</tbody>
</table>

### Question 6: Would you prefer a longer or shorter FMQT or is 30 minutes about the right length?

<table>
<thead>
<tr>
<th>Preference</th>
<th>Count (Percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prefer longer</td>
<td>65 (27%)</td>
</tr>
<tr>
<td>Prefer shorter</td>
<td>26 (11%)</td>
</tr>
<tr>
<td>30 minutes is the right length</td>
<td>109 (45%)</td>
</tr>
<tr>
<td>Don't know</td>
<td>32 (13%)</td>
</tr>
</tbody>
</table>

### Question 7: For a trial period FMQT takes place at noon on Thursdays, with QT at 2.30 the same day. Previously FMQT took place immediately after QT without a break for lunch. Which of the arrangements is more convenient for you?

<table>
<thead>
<tr>
<th>Arrangement</th>
<th>Count (Percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current arrangement (i.e split by lunch)</td>
<td>128 (53%)</td>
</tr>
<tr>
<td>Previous Arrangement (i.e without split for lunch)</td>
<td>23 (9%)</td>
</tr>
<tr>
<td>Both are equally convenient</td>
<td>32 (13%)</td>
</tr>
<tr>
<td>Neither are particularly convenient</td>
<td>8 (3%)</td>
</tr>
<tr>
<td>Don't know</td>
<td>38 (16%)</td>
</tr>
</tbody>
</table>
### Question 8: Questions from opposition party leaders have, to date, been selected as the first 2 or 3 initial questions. Do you feel...?

<table>
<thead>
<tr>
<th>Option</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opposition party leaders should always have their questions selected as the first 2 or 3 questions</td>
<td>54</td>
<td>22%</td>
</tr>
<tr>
<td>Some preference should be given to opposition party leaders, but they should not always get the first 2 or 3 questions</td>
<td>82</td>
<td>34%</td>
</tr>
<tr>
<td>No preference should be given to opposition party leaders</td>
<td>40</td>
<td>16%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>47</td>
<td>19%</td>
</tr>
</tbody>
</table>

### Question 9: Which of the following best describes how often you feel “open” questions should be allowed?

<table>
<thead>
<tr>
<th>Option</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every question should be “open” to allow surprise and spontaneity</td>
<td>56</td>
<td>23%</td>
</tr>
<tr>
<td>Some questions should be “open” to allow some surprise and spontaneity but others should be published in advance to allow the necessary information to be gathered</td>
<td>131</td>
<td>54%</td>
</tr>
<tr>
<td>No questions should be “open” in order to allow the necessary information to be gathered for all questions</td>
<td>14</td>
<td>6%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>24</td>
<td>10%</td>
</tr>
</tbody>
</table>

### Question 10: (only answer if you said every question or some should be open) Do you feel only party leaders should be able to ask these questions or should any member be able to?

<table>
<thead>
<tr>
<th>Option</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party leaders only</td>
<td>19</td>
<td>10%</td>
</tr>
<tr>
<td>Any member of the Scottish Parliament</td>
<td>160</td>
<td>86%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>6</td>
<td>3%</td>
</tr>
</tbody>
</table>
### Question 11: Which of the following did you expect to happen at FMQT? You may select more than one.

<table>
<thead>
<tr>
<th>Option</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>For an MSP to get information about a particular subject</td>
<td>131 (54%)</td>
</tr>
<tr>
<td>For the Parliament to investigate what Scottish Ministers are doing</td>
<td>105 (43%)</td>
</tr>
<tr>
<td>For MSPs to give their views on the policies of Scottish Ministers</td>
<td>116 (48%)</td>
</tr>
<tr>
<td>None of the above</td>
<td>12 (5%)</td>
</tr>
</tbody>
</table>

### Question 12: To what extent do you agree that it actually allowed…?

<table>
<thead>
<tr>
<th>Activity</th>
<th>Agree strongly</th>
<th>Agree slightly</th>
<th>Neither Agree or disagree</th>
<th>Disagree slightly</th>
<th>Disagree strongly</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>MSPs to get information about a particular subject</td>
<td>73 (30%)</td>
<td>73 (30%)</td>
<td>33 (14%)</td>
<td>8 (3%)</td>
<td>7 (3%)</td>
<td>18 (7%)</td>
</tr>
<tr>
<td>Parliament to investigate what Scottish Ministers are doing</td>
<td>58 (24%)</td>
<td>74 (30%)</td>
<td>38 (16%)</td>
<td>11 (5%)</td>
<td>4 (2%)</td>
<td>19 (8%)</td>
</tr>
<tr>
<td>MSPs to give their views on the policies of Scottish Ministers</td>
<td>77 (32%)</td>
<td>64 (26%)</td>
<td>28 (12%)</td>
<td>9 (4%)</td>
<td>4 (2%)</td>
<td>19 (8%)</td>
</tr>
</tbody>
</table>

### Question 13: How highly did you rate this session of FMQT?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very highly</td>
<td>27 (11%)</td>
</tr>
<tr>
<td>Fairly highly</td>
<td>120 (49%)</td>
</tr>
<tr>
<td>Not very highly</td>
<td>39 (16%)</td>
</tr>
<tr>
<td>Not at all highly</td>
<td>14 (6%)</td>
</tr>
<tr>
<td>Don't know</td>
<td>11 (5%)</td>
</tr>
</tbody>
</table>
**Question 14:** Please say how much you agree or disagree with the following statements about the FMQT session you attended.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Agree strongly</th>
<th>Agree slightly</th>
<th>Neither Agree or disagree</th>
<th>Disagree slightly</th>
<th>Disagree strongly</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>I found it easy to understand what was happening</td>
<td>69 (28%)</td>
<td>71 (29%)</td>
<td>22 (9%)</td>
<td>26 (11%)</td>
<td>19 (8%)</td>
<td>4 (2%)</td>
</tr>
<tr>
<td>I found the session particularly interesting</td>
<td>49 (20%)</td>
<td>86 (35%)</td>
<td>39 (16%)</td>
<td>17 (7%)</td>
<td>12 (5%)</td>
<td>6 (2%)</td>
</tr>
<tr>
<td>I found the session particularly informative</td>
<td>36 (15%)</td>
<td>72 (30%)</td>
<td>59 (24%)</td>
<td>22 (9%)</td>
<td>8 (3%)</td>
<td>5 (2%)</td>
</tr>
<tr>
<td>The quality of questions was high</td>
<td>47 (19%)</td>
<td>69 (28%)</td>
<td>54 (22%)</td>
<td>13 (5%)</td>
<td>7 (3%)</td>
<td>12 (5%)</td>
</tr>
<tr>
<td>The quality of answers was high</td>
<td>35 (14%)</td>
<td>62 (26%)</td>
<td>47 (19%)</td>
<td>24 (10%)</td>
<td>18 (7%)</td>
<td>14 (6%)</td>
</tr>
</tbody>
</table>

Information given below was an optional section for completion

**Age**
- 13-15 yrs: 83 (34%)
- 16-18 yrs: 30 (12%)
- 19-24 yrs: 19 (8%)
- 25-44 yrs: 51 (21%)
- 45-64 yrs: 30 (12%)
- 65+: 10 (4%)

**Gender**
- Male: 83 (34%)
- Female: 132 (54%)

**Do you consider you have a disability?**
- Yes: 19 (8%)
- No: 96 (81%)

**Where do you live?**
- Scotland – Edinburgh and Lothians: 36 (15%)
- Scotland – Elsewhere in central belt: 95 (39%)
- Scotland – Elsewhere: 54 (22%)
- Elsewhere in UK: 15 (6%)
- Elsewhere in Europe: 7 (3%)
- Elsewhere overseas: 11 (5%)

**Working Status?**
- Employed: 60 (25%)
- Unemployed: 6 (2%)
- Long-term sick/disabled: 10 (4%)
- Retired: 11 (5%)
- Full time Edu.: 128 (53%)
- Looking after home/family: 3 (1%)

**Travel Time?**
- Up to 1 hour: 109 (45%)
- 1– hours: 95 (39%)
- over 3 hours: 14 (6%)
PROCEDURES COMMITTEE

ORAL QUESTIONS IN THE CHAMBER

Summary of evidence and options for the Committee

This paper aims to summarise the main points made so far in oral and written evidence, and to provide a structured basis on which the Committee can consider its provisional conclusions. (Note: it does not include the views of civic participation groups or the results of the gallery questionnaire, as these were not available in time to be included.)

The questions set out in bold are mostly either from the original call for evidence, or from the lists of questions circulated to oral witnesses. The numbering of questions is simply to aid clarity of discussion.

Except in the most straightforward cases, a range of options for the Committee are set out in a box after the questions and evidence-summary. With the more complex issues, where it is not possible simply to set out a few alternatives, a range of issues has been outlined.

The Committee previously agreed that it would aim to narrow down the viable options on the various issues raised in the inquiry, with a view then to consulting MSPs, perhaps by means of a short and focussed questionnaire. The results of that, together with its provisional conclusions on other issues, can then inform the drafting of a report for consideration at the Committee’s next meeting.

FIRST MINISTER’S QUESTION TIME (FMQT)

Q1(a). 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?

Q1(b). Alternatively, should only backbench questions be selected, on the understanding that party leaders would then be called to ask supplementaries?

In favour of selecting party leaders (or parties) first
- The PO, Bill Aitken, Brian Monteith, LibDems, Donald Gorrie, Helen Eadie, STUC.

Opposed to giving priority to party leaders
- Dennis Canavan – the dominance of party leaders makes FMQT less fair than Prime Minister’s Questions in the Commons, where every MP has a chance to be first questioner – the order of questions should be randomly decided.
Other points

- Carolyn Leckie and Robin Harper – not necessary for opening questions to be in the name of party leaders as long as the party was represented in the selection. If SSP/Greens did not get a question on a particular week they should be guaranteed a supplementary.
- SCVO – parties should decide whether initial questions should be put by the party leader or a backbencher.
- Brian Monteith – if a backbencher asked the original (specific) question, party leaders asking supplementaries would be unreasonably limited to the subjects chosen.

Q1(c). Is it appropriate that the opposition party leaders should always be selected to ask the first 2 or 3 questions? Does this give a fair opportunity to backbenchers?

Q1(d). Overall, taking account of supplementary questions, is a fair balance among the various parties being achieved?

- PO – appropriate to lead with party leaders – makes FMQT the “cockpit of the week”.
- The Executive – smaller parties should get a proportional share of Qs, but the extra time was primarily to get in more backbenchers.
- Bill Aitken – current balance about right.
- Carolyn Leckie and Robin Harper – The extra 10 minutes has helped; SSP and Greens should get at least their current representation (i.e. 2 Qs each every 5 weeks) – preferably one question a week each or one every 2nd week, with a supplementary question on alternate weeks.
- Helen Eadie – Greens/SSP should each get a Q every 2nd week.
- Brian Adam – Greens/SSP currently over-represented.
- Carolyn Leckie – sympathy for backbenchers is offset by the abuse of the system that sometimes take place, when Qs are asked that are simply designed to enable Ministers to make announcements.

Main alternative options for the Committee:

- recommend that PO continues to select opposition party leaders on current basis (i.e. first 2 or 3, with smaller parties on proportional basis), but leave this a matter for PO discretion (i.e. nothing in the Rules);
- recommend to the PO some variation in the approach he takes;
- recommend building into the Rules the distinction between the part of FMQT for opposition party leaders (or other representatives of opposition parties) and the part for backbenchers

Q2(a). What are the ways in which an appropriate balance can be struck between the benefits of having advance notice of what questions are to be asked and spontaneity and topicality?

- Executive – notice helps to elicit a full answer.
- Brian Monteith – spontaneity provides topicality; advance notice “only lets the mandarins draft a smart answer”.


Q2(b). 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?

Yes to surprise questions – party leaders only
- The PO – the element of surprise was legitimate and kept the FM on his toes; giving all MSPs that right would make topicality more difficult to achieve.
- Alasdair Morgan, Bill Aitken – FMQT works reasonably well in existing format.

Yes to surprise questions – extend to all members
- Robin Harper, Carolyn Leckie, Dennis Canavan, Donald Gorrie – all members should have the right to ask questions with no notice, but need to balance surprise with the level of detailed response expected.
- Brian Monteith – all MSPs should be able to “fire off tough Qs” – this would sharpen up the members as well as keeping all of FMQT interesting.

No – notice should always be given
- Janis Hughes – opposition party leaders should not be allowed to ask open questions; all questions should be specific.

Other points
- The Executive – flexibility is good, but advance notice allows a fuller answer and better information.
- Robin Harper – if surprise is to be maintained, Ministers will not always be able to answer Qs adequately.
- SCVO – if open questions were removed, there would be a need to ensure topicality was preserved.
- Mike Rumbles – undesirable 2-tier approach at present, with first 2 questions treated as separate from rest of questions. SNP and Conservative members should not also get selected for Qs 3-6.

Q2(c). If the surprise element is to be maintained, would it be simpler to remove the need for notice of a question and just list the member’s name?

Yes
- Denis Canavan, Donald Gorrie
- Helen Eadie – the diary-type Q is anachronistic (but party leaders should retain the element of surprise)
- Robin Harper – open questions are a “rather tedious formality”. Donald Dewar used to have some fun with answers to open Qs, but the joke has now worn off.
No
- PO – the FM’s initial answer sometimes “sets the tone”.

**Retain only one “diary-type” question for leader of main opposition party; other opposition party leaders to ask supplementaries to it.**
- LibDems, Robin Harper, Carolyn Leckie – all could support this idea.
- Alasdair Morgan – one diary Q at beginning helps Chamber to settle, and answering it gives FM chance to make occasional announcement.

**Other points**
- Carolyn Leckie – parties should have choice whether to give notice of Q or not.

<table>
<thead>
<tr>
<th>Main alternative options for the Committee – recommend that:</th>
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<tr>
<td>- PO continues to select open (diary-type) questions only from opposition party leaders (as at present)</td>
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<tr>
<td>- only one open question be selected (from leader of largest opposition party) but that PO should call other party leaders to ask surprise supplementaries to that question</td>
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<tr>
<td>- open (diary-type) questions should no longer be allowed and notice of a specific question should always be given</td>
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<tr>
<td>- the party leaders selected to ask Qs in a particular week should simply be listed by name in the Bulletin, leaving them free to ask whatever they want, without the need for the diary-type question</td>
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<tr>
<td>- all members should have to lodge specific questions (for purposes of PO selection), but that only the names of the members selected should be printed in the Bulletin (to retain surprise).</td>
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Q3. Since FMQT was increased to 30 minutes and moved to 12 noon, how well does it appear to be working? Any suggestions for further changes?

- General consensus that increase to 30 minutes has helped – PO says proportionality is now possible, when it wasn’t before.

**In favour of 12 noon or ambivalent**
- The PO – merit in separating FMQT from QT; QT is not just a warm-up for FMQT, the two can now “build their own identity”.

**Against 12 noon – afternoon times preferred**
- Fergus Ewing, Tricia Marwick, David Davidson (2 pm or 2.30 pm).
- Mike Rumbles and Lib Dem group (return to 3.10 pm Thursdays).
- Richard Lochhead, Carolyn Leckie, Trish Marwick, Jamie Stone – less press interest in QT now it is decoupled from FMQT; QT no longer an “event”.
- Robin Harper – 12 noon slot lacks atmosphere (though that may not be primary concern); would prefer afternoon.
- Carolyn Leckie – 12 noon slot takes time from non-Executive debates.
Further changes
- The PO thought it would be useful if he could select 1 or 2 additional questions as “reserves” to avoid the risk of FMQT running short.
- Brian Adam – agreed with PO.

Main options for the Committee:
- make no recommendations re. duration or timing of FMQT in this report – wait until end of trial period (New Year?)
- recommend to Bureau that FMQT moves to a Thursday afternoon slot at earliest opportunity (requires no change to Rules)
- recommend change to Rules to enable PO to select more than 6 Qs (perhaps 7 and 8 to be marked as “reserve questions”).

QUESTION TIME

Q4(a). 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?

In favour of thematic system (departmental rota) for at least part of QT
- Alasdair Morgan, Lib Dems, Bill Aitken, Brian Monteith, Janis Hughes.
- Margaret Mitchell – saw little value in present format; themed Qs would be more meaningful.
- Donald Gorrie – on trial basis either for a specific period or alternate weeks (Donald Gorrie)
- Richard Lochhead – so long as it allows topicality
- Fergus Ewing – trial once a month or fortnight for a different subject area.

Ambivalent or open-minded
- PO – themed QT presents difficulties, but half-general, half-thematic could work.
- Executive – “no formal position”, need for balance of topicality and scrutiny. Some rota system would allow more in-depth exploration of issues than current “scatter-gun” approach; but risk that fewer members would participate and audience would decrease.
- SCVO – might work, but topicality was a problem and some issues may get lost.
- STUC – doubtful, could reduce level of scrutiny.

Opposed to thematic QT – keep current system
- Brian Adam – would reduce topicality
Q4(b). How might such a [thematic] system strike a balance between those Ministers or subjects that tend to attract the most questions, and those that are less popular? And what flexibility would be needed to allow topical questions on subjects not featuring on the rota that week?

- Almost everyone believed some general (non-themed) QT should be retained, with the themed Qs either forming part of the existing QT or a separate item. General agreement that each theme should come up at least once every 4 weeks, and that thematic QT should be introduced on a trial basis.
- Executive – suggested 6 portfolio-based “themes”, 1 theme to be covered at each QT – with two 20-minute QTs each week (one on Wed, one on Thu), each theme would come round once every 3 weeks.
- LibDems – 30 minutes themed on Wed, current general QT retained on Thu but reduced to 30 minutes.
- Alasdair Morgan – not convinced separate general QT required; but 10 minutes of QT could be kept general in interest of topicality.
- Tricia Marwick – mixture of general QT (15 minutes) and themed QT (10 minutes) by portfolio, with 3 Ministers each week.
- Bill Aitken – 20 minutes open, 20 minutes themed – all questions without notice.
- David Davidson – two 20-minute slots each week, each to specific Ministers.
- Robin Harper and Carolyn Leckie – an initial maximum of 10 minutes out of the 40 for themed Qs, to be increased only if successful.
- Helen Eadie – perhaps 3 themed Qs, with advance notice, each QT.

Q4(c). Alternatively, would there be merit in building in some flexibility, so that from time to time part or all of Question Time would be dedicated to questions on a particular cross-cutting issue (such as youth justice)?

- The PO – suggested this as an alternative having cross-cutting QT sessions around once a quarter.

Q4(d). If there is to be a thematic QT and a general QT, when should these best take place – and would it be better to start earlier (e.g. 2 pm) rather than encroach on debate time?

- Executive – may be need to start earlier on Wednesdays.
- QT should continue on Thursday for 30 minutes, but there should be an additional Wednesday slot from 2 - 2.30 pm for thematic Qs (Lib Dems)
- PO – relaxed about 2 pm start time
- Robin Harper, Carolyn Leckie – 2 pm start would encroach on cross-party group time, but willing to consider if strong arguments. If more time for QT resulted in less time for debates, this would impact adversely on Greens and SSP.
- Brian Monteith – extend Wed to 7 or 8 pm.
Issues for the Committee to consider:

- Should there be a thematic element introduced, on a trial basis?
- Should this involve an additional weekly thematic QT slot, in addition to the existing general QT slot – or should a thematic element be incorporated within the existing 40-minute QT?
- If the total amount of time weekly taken up by (general and themed) QT will exceed the current 40 minutes, where should the extra time be found (from debate time; an earlier start; a later finish)?
- What rota of departments should be recommended – e.g. the Executive’s proposed 6 themes? Should it be left to the Bureau to recommend the rota – which could be advertised via the Business Programme?
- Should questions on the week’s theme(s) be excluded from general QT on that week – so that Ministers who don’t feature in that week’s themed QT know they won’t need to attend general QT either? If so, is it sufficient to have any topical issues on that Minister’s area dealt with at FMQT (e.g. as supplementaries to an open question)?

Q5(a). Should questions for Question Time (whether it remains general or becomes thematic) continue to be selected on a purely random basis?

Support random selection
- Executive, Alasdair Morgan, George Lyon, Janis Hughes, Donald Gorrie, Brian Monteith, Brian Adam, SCVO, STUC – random selection is fairest.

Opposed to random selection
- Tricia Marwick – random is not fair as some Ministers are not asked questions some weeks, therefore not scrutinised.

Thematic QT to be led by opposition party spokespersons?
- Yes: Carolyn Leckie
- Yes: Bill Aitken – because main aim is to challenge policy and practice of Executive, not to get factual information.
- No: George Lyon – would be a “recipe for a Parliament dominated by political anoraks”.
- No: Alasdair Morgan – would disillusion backbenchers

Main alternative options for the Committee:
- The PO should select Qs for thematic QT – and should always select opposition spokespersons for opening Qs.
- The PO should select Qs for thematic QT, but with no general priority to opposition spokespersons.
- Qs for thematic QT should be selected randomly from among Qs lodged on that theme – up to PO to call opposition spokespersons to ask supplementaries.

Other issues:
- Should the same Rules/conventions about supplementary questions apply to thematic QT as currently apply to general QT?
Q5(b). Should the Presiding Officer have some role in selecting questions, or perhaps just in varying the order to “group” related questions?

**In favour**
- Alasdair Morgan – PO should be able to group related questions which are likely to be taken (i.e. in upper part of selected list)
- Helen Eadie – PO should be able to add in topical Qs to randomly-selected list, and remove from list Qs easily answered in other ways.

**Opposed**
- PO – would find that extremely difficult; could lead to disputes and challenges to the chair.

**Ambivalent**
- Robin Harper – grouped questions might be a good idea, but could take over more of QT than was intended, and could make it more difficult for the PO to maintain control.

Main alternative options for the Committee:
- Recommend no change to current random selection (for general QT)
- Recommend new power for PO to group together randomly-selected questions on similar topics, but with indication given in Bulletin of when this has been done (in interests of transparency) – and perhaps recommend that the new power be used only sparingly and only among Qs likely to be reached.
- Recommend new power for PO to delete duplicate (or closely similar) Qs from the randomly-selected list – with expectation he will then call that member to ask a supplementary

Q6. Is the period of notice for lodging questions for QT (i.e. 2 pm on the previous Wednesday) about right?

- Extending the lodging period until Thursday would increase opportunities to make questions topical (Alasdair Morgan, George Lyon)
- Brian Adam – notice period should be reduced to same as FMQT.
- Fergus Ewing – a week is too long.

Main alternative options for the Committee:
- Recommend no change to lodging deadlines for QT
- Recommend changing lodging deadline from 8 days before to 7 (i.e. from Wednesday to Thursday).

**GENERAL**

Q7. Should the member asking a question always be able to ask the first (and perhaps also the last) supplementary?
Yes
- Janis Hughes, Carolyn Leckie, SCVO, Brian Monteith
- Executive, LibDems, Helen Eadie – Initiator should always get first supplementary but not necessarily last.
- Fergus Ewing - questioners should always get a supplementary.
- Richard Lochhead – should be more than one supplementary for original questioner.
- Carolyn Leckie – could be particularly useful in themed Qs.

Ambivalent
- Robin Harper – can see the advantages of 2nd supplementary, but it would reduce the opportunities for other backbenchers who have identified an interest.
- Bill Aitken, George Lyon, Alasdair Morgan – 2nd supplementaries should be allowed occasionally, at PO’s discretion, not as a matter of course.

Other points
- STUC – lack of transparency about who is called to ask supplementaries, because public can’t see who has pressed request-to-speak buttons.

Main alternative options for the Committee:
- Recommend no change to Rules or practice – leave entirely to PO discretion.
- No change to Rules, but recommend PO experiments with offering original questioner the final supplementary (after other MSPs) – particularly at thematic QT.
- Recommend including in Rules right of one supplementary for original questioner at FMQT – to match existing right at QT (i.e. to address discrepancy between RR 13.7.5 and 6).

Q8. Should Ministers be under an obligation to keep their answers brief and relevant to the question asked?

Yes
- Donald Gorrie, Fergus Ewing, Brian Monteith – standing orders should authorise PO to cut short waffling/lengthy questions or answers.
- Helen Eadie, Lib Dems – answers should be brief and relevant.
- Carolyn Leckie – current situation is unacceptable and Ministers should be required to answer Qs. Difficult to embody in a Rule, but it would be helpful to define in guidance what constitutes an evasive answer. Sometimes long answers are used to avoid supplementaries.
- Richard Lochhead – Ministers should be discouraged from referring to notes except during original answer.
No or ambivalent

- PO – “waffle” answers are legitimate; a word in the corridor would be more effective than a Rule as a way of dealing with offending Ministers.
- Executive – length of answer reflects complexity of issue and clarity of Q.
- Alasdair Morgan, Bill Aitken, George Lyon – PO already has discretion to intervene occasionally; no need for explicit Rule.

Main alternative options for the Committee:
- Recommend a new Rule requiring answers to be brief and relevant – to complement existing Rule about questions (RR 13.3.3(a) and 13.7.8)
- Make no change to Rules – but recommend guidance on how Qs should be answered.
- Make no change to Rules – leave to PO to exercise informal sanction where needed, as at present.

EMERGENCY QUESTIONS

Q9. Is the Emergency Question process adequate to deal with topical issues that arise after the questions for FMQT and Question Time have already been selected?

- Helen Eadie – could perhaps have more time for Emergency Questions.
- PO – genuine emergencies only come up rarely; other urgent questions can be taken as supplementaries to one of the party leader’s open Qs.
- Alasdair Morgan, George Lyon, Bill Aitken – emergency Qs should continue to be used only rarely.

NEW OPPORTUNITIES FOR QUESTIONING

Q10. 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?

[NB: this question is not being considered as part of current inquiry]

Yes
- Executive – willing to attend if invited.

No
- LibDems
- Brian Monteith – would confuse role of convener with that of opposition politician, jeopardising relationship of trust between convener and committee members.
Q11. Should there be more regular opportunities for oral questions addressed to the Presiding Officer and other members of the Parliamentary corporation (SPCB)?

Yes
- PO – has requested change to Rule 13.9.2 (letter circulated for 4th Meeting on 9 Sept) to make oral answer of SPCB Qs possible other than exceptionally
- Donald Gorrie, Helen Eadie

No
- SCVO, Lib Dems – not necessary.
- Brian Monteith – would be “damp squib”,

Main alternative options for the Committee:
- Recommend change to Rule as requested by PO; recommend scheduling of regular slot (e.g. 15 minute-slots every month or 6 weeks)
- Recommend change to Rule as requested by PO; actual frequency of slots to be determined by Bureau according to demand.
- Recommend no change to Rules as part of this inquiry but perhaps consider separately later.
1. The purpose of this note is, firstly, to provide some relevant background information about existing Rules and practices, and the problems that appear to have arisen. It then goes on to outline some options for addressing these problems, centred around the only option that has so far been proposed to the Committee, by last Session’s Bureau. The current Bureau has not so far reached agreement on this or any alternative option.

Types of non-Executive Bill

2. Under the Rules, there are four main types of Bill that can be introduced in the Scottish Parliament: Executive Bills, Members’ Bills and Committee Bills (all of which are Public Bills) and Private Bills.

3. The three types of Public Bill all aim to make changes to the general law within the range of policy areas for which the Parliament has legislative competence (devolved matters). Although there are some procedural differences, the 3-Stage process they must go through is broadly similar for Bills of each type.

4. Private Bills, by contrast, differ from Public Bills in a number of important respects. They are introduced by promoters who are not MSPs to provide a departure from the general law in the interest of the promoters (for example, to authorise the opening of a new railway line along a specified route). They are subject to separate Rules (set out in Chapter 9A of the standing orders) that differ from the Public Bill procedures in significant respects. In particular, the proceedings of the special 5-member Private Bill Committees established for each Bill are quasi-judicial in nature, with the promoter and objectors able to cross-examine each other.

Sharing the power

5. The Scottish Parliament, however much it differs from Westminster in some respects, shares with it the same basic constitutional model of an executive largely made up of members of the legislature. The Parliament and the Executive, on this model, have distinct but overlapping roles in the overall system of governance. In any such system, there must be some balance between the relative powers of Executive and Parliament, and there is always likely to be some tension between the two.

6. A basic feature of this model is that the power to make the law lies with the Parliament as a whole, rather than with the Executive. Most Parliaments based on this model give all members of the legislature some right to initiate, as well as to consider and vote on, Bills. The issue that then arises is what, if any, procedural differences there should be in how that right is exercised by members who are also Ministers compared with those who are backbenchers.
7. From early in the process that led to devolution, there was a commitment to getting an appropriate balance between Executive and Parliament in relation to control over legislation. It was recognised that Bills introduced by the Executive in pursuance of manifesto commitments were likely to provide the mainstay of the Parliament’s legislation. But it was also envisaged that the Parliament would consider Public Bills introduced from other sources. As well as giving individual MSPs the right to propose Bills, the central role that committees were to have in the Parliament was reflected in the idea that they should be able to initiate legislation. This idea originated in the Scottish Constitutional Convention and was then endorsed by the UK Government (in the White Paper “Scotland’s Parliament”) and by the Consultative Steering Group (CSG) – for whom it was central to the principle of “sharing the power”.

8. The Standing Orders may have departed from the CSG recommendation in one significant respect, however. The CSG recommendation was that a Member’s Bill proposal which had secured the support of a minimum number of MSPs would still need to be “brought before the Plenary” (section 3.5, para 21). No further detail is given of what this means, and it could just be a reference to introduction of the Bill. But the CSG may have envisaged a proposal being subject to formal Parliamentary endorsement before the Member would have the right to introduce a Bill.

Current Rules and practices

Introduction of Bills

9. The Standing Orders impose certain conditions that must be satisfied before a Bill can be introduced. All Bills, in particular, must be accompanied by a statement on legislative competence by the Presiding Officer (a condition of the Scotland Act). In practice, this requires a final draft of the Bill to be provided at least three weeks before the proposed introduction date so that legal advice to the Presiding Officer can be prepared (and other practical and procedural preparation undertaken). Other accompanying documents must be provided at the time of introduction.

10. For Executive Bills, there are no other formal pre-conditions. A Minister can, in principle, introduce an Executive Bill on any sitting day with no prior notice being required.

11. For Members’ Bills, the main pre-condition is that a proposal (a short description of what the Bill would do) must be published in the Business Bulletin and secure the support of at least 11 other MSPs. Although the proposal is normally published for a month, there is nothing to prevent it being lodged already signed by 11 supporters, in which case the Bill can be introduced immediately.

12. Committee Bills also require to be preceded by a proposal, in this case contained in a committee report. Only if the Parliament endorses the report (and only if the Executive does not announce its own plans to legislate on the same subject) does the Convener have the right to introduce a Bill.

13. For all three types of Bill, introduction can be on any sitting day. There is no limit on the number of Bills that may be introduced on a particular day. Indeed, the only limit on the number of Bills is the Rule (9.14.2) prohibiting backbenchers from
introducing more than two Members’ Bills in one session. Neither the Executive as a whole nor individual Ministers or Committees are limited in the number of Bills they can introduce.

14. The Executive, generally speaking, gives plenty of advance warning of its Bills, ensuring that subject committees can plan for them in advance. It also aims to avoid introducing more than one Bill relevant to the same committee at the same time. (There have been exceptions – the Justice and Home Affairs Committee, in the first half of Session 1, twice had to conduct overlapping Stage 1 inquiries on two Executive Bills.) Because NEBU has only limited resources, the dates of introduction of the Bills it supports are also likely to be reasonably well spaced out. But there is nothing to prevent a Member’s or Committee Bill being introduced at the same time as an Executive (or another Member’s) Bill dealing with a similar subject-matter. The overall pattern of Bill-introductions during a session can be pretty uneven.

Committee time – Stage 1

15. The Bureau is obliged, under Rule 9.6.1, to refer any Executive or Member’s Bill to a lead committee “once [the] Bill has been printed” (and Bills are printed as soon as they are introduced). While the Rule is silent on time limits, in practice a referral happens as soon as reasonably practicable. The same rule states that the lead committee “shall consider and report on the general principles of the Bill”. In practice, there may be some delay in beginning a Stage 1 inquiry, depending on other work priorities, but the Rule does not appear to envisage the Committee delaying consideration of the Bill for any extended period.

16. Although the Rules do not specify in detail how the lead (or any other) committee is to go about “considering and reporting on” the Bill, the established practice is to conduct a full inquiry, with oral evidence from key witnesses and an opportunity for other interested parties to submit views in writing. The main constraint is the time limit for completion of Stage 1 that is usually imposed by the Bureau (under Rule 5.4.2(a)). The practice has been for the Bureau to set time-limits for Executive Bills that allow little more than the minimum amount of time necessary for the Stage 1 inquiry, while setting more generous limits for non-Executive Bills, thus allowing the committee more choice as to when it begins the inquiry.

17. All of these factors mean that the decision as to when a Bill is introduced has a direct impact on the workload of the relevant committee in the short to medium term. Some committees (Justice, Local Government and Transport, Education, Health) tend to get a disproportionate share of Bills and thus find their work programmes dominated by Stage 1 and Stage 2 proceedings, with inquiries of their own choosing fitted in between.

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1 The Abolition of Feudal Tenure etc. (Scotland) Bill and the Adults with Incapacity (Scotland) Bill, and then the Bail, Judicial Appointments etc. (Scotland) Bill and the Regulation of Investigatory Powers (Scotland) Bill.
**Chamber time – Stage 1**

18. Chamber time also requires to be found for the Stage 1 debate. Again, the relevant Rule does not permit extended delay (“Once the lead committee has reported on the Bill, the Parliament shall consider …” (Rule 9.6.4)).

**Later Stages**

19. At the end of Stage 1, the Parliament as a whole decides whether the Bill proceeds or falls. If the Bill proceeds, there are further implications for committee time at Stage 2 and Chamber time at Stage 3, but these do not raise the same implications since the Bill has by then secured a general Parliamentary endorsement. It can reasonably be presumed, in other words, that a Bill that has cleared the Stage 1 hurdle will be passed in due course (certainly, no Bill so far has been rejected outright at Stage 3).

**The role of the Non-Executive Bills Unit**

20. It was recognised relatively early in Session 1 that providing procedural rights to backbench MSPs and committees to introduce Bills was not enough without also giving them access to the necessary resources. The Executive has teams of civil servants to work on policy development, solicitors to consider the legal aspects, and draftsmen to convert the policy into legislative text. Members and committees only had access to limited support from the Legislation Team and SPICe, or such outside assistance as interested organisations were prepared to offer.

21. To address this problem, the Non-Executive Bills Unit (NEBU) was created, consisting of dedicated clerking staff plus Parliament lawyers. Its role is to assist members and committees from preparing the initial proposal, through a process of policy development and examination of the legal implications, to instructing the drafting of the Bill. A panel of external draftsmen has been established who are contracted to draft particular Bills.

22. The NEBU approach is to subject every proposal to a full process of policy and legal analysis – any initial draft prepared by or for the member is set aside, and the basic proposal is stripped back to its essence and then built up from first principles. This is a lengthy and resource-intensive process which demands commitment from the member. In many cases, it can take a year from the time the member first contacts NEBU to having a Bill ready for introduction. NEBU support is also provided to the member during the passage of the Bill – for example, preparation of speaking notes for debates and drafting of member-in-charge amendments.

23. NEBU has finite resources which necessarily limits the work that it can do. NEBU will always assist members in developing proposals and it has not proved necessary to impose any prioritisation criteria at this early stage in the process. However, before NEBU will undertake work on a “successful” proposal (i.e. one that has secured 11 supporters) in developing the policy and preparing drafting instructions, the proposal must be broadly within legislative competence and have been consulted upon. There should also be no likelihood of other legislation to address the same concern in the near future.
24. In broad terms, NEBU has capacity to handle no more than 4 Bills at any given time and 4 proposals undergoing policy development. This assumes that all of the Bills are small or medium sized and are not technically complex. Clearly the numbers reduce if one or more of these Bills are larger or more complex. So far, NEBU has been able to meet the demands placed upon it, but the lessons of Session 1 show that something needs to be done to address real difficulties before they arise.

25. NEBU has been responsible for supporting the majority of non-Executive Public Bills introduced since its creation, including all three Committee Bills and half of the Members’ Bills introduced in that period. NEBU-supported Members’ Bills include the Dog Fouling (Scotland) Bill and the Gaelic Language (Scotland) Bill; other Members’ Bills introduced without NEBU support include the Prostitution Tolerance Zones (Scotland) Bill and the Proportional Representation (Local Government Elections) (Scotland) Bill. The latter Bills were prepared using a combination of policy and legal input from external sources, plus drafting advice provided by the Parliament’s Legislation Team (using the same expertise that is applied to the drafting of non-Executive amendments). The Legislation Team cannot offer the sort of policy-development role or legal input that NEBU can provide, but is able to advise members who have chosen not to follow the NEBU route on matters of drafting structure, style and terminology. With reasonably straightforward Bills, this has proved sufficient to convert an initial rough draft into a Bill fit for introduction.

26. During last session, NEBU was also responsible for dealing with Private Bills, and the resources required for that therefore competed directly with those available to support Members’ and Committee Bills. However, a separate Private Bills Unit has now been created, leaving NEBU free to concentrate on its original purpose.

The case for prioritisation

27. The two main issues are:

- prioritisation of Bills to be supported by NEBU; and
- controlling the overall legislative burden on the Parliament,

whilst maintaining the right of members to introduce Bills.

28. There are clearly connections between these two issues, but they can also be kept separate to some extent. The Committee will need to be clear, in considering options for prioritisation, which of these issues it is primarily aiming to address. For example, NEBU only deals with Members’ and Committee Bills, but in order to control the Parliament’s overall legislative burden, it is clearly necessary to consider these Bills in the wider context of Executive and Private Bills. A solution might be found that would deal with the issue so far as NEBU is concerned – which is essentially to protect officials from having to make prioritisation decisions that clearly have a political dimension – but would have only a minor impact on the issue so far as the Parliament is concerned. On the other hand, a solution that capped the overall number of non-Executive Bills that could be introduced, while it might have the effect of directing NEBU where to allocate its resources, might also limit the rights of members more than would otherwise be necessary.
29. The issue for NEBU, then, is about securing political authority for how it should allocate its limited resources to developing competing proposals. In particular, one particularly large or complex proposal could take most of the available resources for an extended period, at the expense of a number of smaller and simpler proposals. Simply increasing NEBU resources, to enable the Unit to support more Bills per session, is unlikely to provide a solution. This would be expensive, and it is also likely that it would provoke a corresponding increase in demand (given that the number of proposals lodged at present is only a small fraction of the theoretical maximum – i.e. 2 per backbench MSP per session.) In any case, there would arguably be no point in enabling members to introduce more Bills prepared at public expense than the Parliament has time to consider or inclination to pass.

30. The issue for the Parliament as a whole is to manage the overall burden of legislative business. There is no mechanism to even out the introduction of legislation into the system: the Executive has a legislative programme for its own Bills, but there is no coordination between that programme and the introduction of non-Executive Bills, nor among those Bills. The Rules also create a presumption that, once Bills are introduced, they will make steady and continuous progress until they are passed (or withdrawn or rejected) and cannot simply be left “in limbo” for extended periods. (In practice, Bills progress at substantially different rates, and this helps to smooth out the pattern of demand on committee and Chamber time – but this may not be sufficient if the volume of Bills entering the system exceeds the capacity available to scrutinise them properly.) There is a particular issue at Stage 1 about whether committees should have more choice about whether to devote significant resources to scrutinising Bills that may have been introduced with only a limited base of support and little policy development or consultation.

Options for change

31. The purpose of any system of prioritisation is to address the two main problems identified above (allocation of NEBU resources and lack of Parliamentary coordination), while still preserving the underlying principles of power sharing and accountability. Various options are outlined below, with some indication of possible advantages and disadvantages. The best overall approach may involve some combination of options.

32. The need for prioritisation arises primarily in connection with Members’ Bills, and that is where the options for change are also directed. It is assumed in other words:

- that the Executive should continue to enjoy an unrestricted right to introduce any number of Bills to a timetable of its own choosing, and to use its majority in the Bureau to ensure that they make steady progress as priority items of committee and Chamber business;

- that Committee Bills are likely to continue to be relatively uncommon and that their cross-party origins and the fact that they require Parliamentary endorsement before they can be introduced makes it appropriate that they too should enjoy a presumption of steady progress after introduction (subject, as with other Bills, to Bureau recommendations on timetabling); and
that Private Bills are sufficiently distinct in nature and origin to be treated separately, and that including them in any political system of prioritisation would be inappropriate and could undermine the careful balance struck by the present Rules between the Parliamentary and the quasi-judicial aspects of the Private Bill process.

33. In considering the options, it may be worth keeping in mind how best to preserve an appropriate balance between the following considerations:

- Executive versus backbench/opposition. Assuming that the Executive’s right to introduce and progress legislation is to remain unaffected, there is an issue about how far it is appropriate to restrict one of the key procedural mechanisms open to members of opposition parties and Executive-party backbenchers to help set the political agenda.

- Politics versus efficiency. One of the aims of prioritisation is to increase efficiency. At its extreme, this could suggest that NEBU resources should be expended only on Bills with an almost-guaranteed prospect of being passed and that the number of non-Executive Bills introduced should never exceed the capacity of the Parliament to pass them. But against this it can be argued that the right to introduce Bills is not just there to provide a vehicle for uncontroversial proposals that have already secured a broad consensus; the introduction by opposition and backbench members of politically controversial Bills that have no real prospect of reaching the statute book is also a legitimate part of the Parliamentary process – but one that is inherently inefficient. Such Bills, even when they are rejected, can usefully draw attention to problems and in some cases indirectly lead to change (e.g. in later Executive legislation).

- Party control versus merit and evidence. It can be argued that a system that allows a simple majority vote to determine what proceeds at an early stage can too easily be controlled by the party whips, with the risk that worthwhile ideas are rejected without proper consideration on political grounds rather than on their merits. The current system minimises this risk by requiring Bills to be examined in reasonable detail, and in public, with evidence from outside interests, before they are subject to a vote by all MSPs. Sometimes this may involve committees having to devote time to considering Bills they feel have little prospect of success. But prospects of success are sometimes difficult to assess at an early stage – Bills whose initial prospects seem uncertain (and might be rejected in a ballot on competing proposals) can gather substantial support during the Stage 1 process, particularly if evidence is received in favour of them from outside bodies.

Option 1: Chamber to choose which Bills to be introduced or given time

34. This is the option favoured by last session’s Bureau. The basic idea is that the Parliament would be invited periodically to debate the various Member’s Bill proposals lodged, and then select a limited number of them to receive Parliamentary resources.
35. Such an option could work in a number of different ways, depending on how the following questions are answered:

- How frequently should the procedure take place?
- Should there be pre-conditions of being considered for selection?
- Who decides which proposals are selected, and how many?
- What is the best mechanism for making the choice?
- What is the consequence for proposals which are not chosen?

36. Each of these questions is considered in turn below. In each case, the way in which the previous Bureau’s proposal addresses them is indicated in bold.

Frequency of procedure

37. **The previous Bureau envisaged an annual process.** Within a 4-year session, it would be unrealistic to make it less frequent – topicality would be lost and members would be kept waiting too long to find out whether their proposals had the go-ahead. An alternative would be a twice-yearly procedure. This could assist NEBU by smoothing out the demands on its resources, while reducing the waiting time for members. The most appropriate frequency depends on what is expected to follow from the process (i.e. it cannot easily be decided in isolation from the other questions, below).

Pre-conditions?

38. Arguably, it would not be appropriate simply to allow every proposal that had secured the minimum number of supporters to go forwards for consideration by the Chamber. Some could be outwith the legislative competence of the Parliament, and so not capable of being developed into Bills fit for introduction. Others might be very sketchy ideas, not yet properly researched and not subject to any process of consultation, and so not yet ready for that process of development. Others again might be matters the Executive is proposing to legislate on. It would be unfortunate if such proposals were given priority over other proposals that NEBU could usefully begin work on immediately, and it might therefore be thought necessary to apply some pre-conditions that proposals would need to satisfy before being put to the Chamber for prioritisation.

39. It is not obvious, however, how any such pre-conditions could fairly be applied. The question of whether a proposal is within legislative competence is not always easy to assess at the proposal stage. Many of the boundaries of legislative competence are complex and can only be assessed by reference to a drafted Bill; legal opinions also vary. The Presiding Officer is required to give an opinion on every new Bill, but might not be keen to give preliminary opinions on lots of proposals; and it is not clear who else’s opinions would carry similar weight. Similarly, the extent of consultation or other policy development that is necessary or appropriate will depend on the nature of the proposal. Again, it is not clear who would be in a position to apply any such pre-condition fairly and objectively. The best
option might therefore be to leave these issues to be aired in the Chamber debate on the competing proposals, along with the various other considerations that members will wish to take into account.

Who decides?

40. The Parliament is the obvious choice – and that is what the previous Bureau proposed. But it could be argued that this would enable the Executive parties to use their voting power to prioritise only their own members’ proposals, with others never given a chance to proceed on their merits.

41. The previous Bureau considered and rejected the idea that some sort of committee of backbenchers could be established to take the decision. Certainly, to exclude Ministers from the decision would be a substantial departure from the normal principle that all MSPs have an equal right to participate in decisions, and it could be procedurally complex to administer. It is in any case doubtful why a separate decision-making body should be established at this stage when the eventual fate of any Bill at Stage 1 and Stage 3 would still be decided by simple majority of all MSPs (including Ministers).

42. Other options are possible. For example, the decision could be made by ballot (as is done in the House of Commons). That has a sort of fairness (and is certainly immune to whipping), but is also arbitrary, and hence inconsistent with the principle of choosing proposals on their merits.

Mechanism for choosing

43. The previous Bureau proposed a Bureau motion, setting out a recommended list of proposals, that would then be subject to amendment. This is consistent with how decisions are taken in many other instances (including, for example, Parliamentary approval of Ministers). It also enables the Bureau to take account of a range of factors in deciding which proposals, and how many, to include in the list. These factors would include the relative size and complexity of the various proposals, the parties supporting them and the committees that would be expected to deal with them.

44. However, there are arguments against this on grounds of accountability, since the Bureau would (presumably) meet to draw up the proposed list in private. There are also possible arguments against the appropriateness of Business Managers making these decisions – particularly where some of the proposals were from “maverick” backbenchers or from members not represented on the Bureau (smaller party members and independents).

45. In addition, the procedure associated with amendments to such a Bureau motion could be procedurally complex. This would not be a problem if all the parties were agreed on the Bureau list (though that would reinforce the concerns about accountability). But if the Bureau list was secured by majority, the opposition parties could be expected to lodge alternative (and perhaps overlapping) amendments,
some of which might pre-empt others. In particular, some amendments might be to add proposals to the list, while others might be to effect substitutions.\(^2\)

46. An alternative procedure would be for the Chamber to vote on all the proposals in turn, thus generating a ranking from most popular to least. (The ranking could either be based on the number of votes cast in favour or perhaps the margin of votes in favour over votes against.) The Bureau could then bring back to the Chamber on a later day a list of proposals to be selected, based on the ranking. That would limit the Bureau’s role to deciding how far down the ranked list to draw the line between those selected and those not, taking into account the resource implications of the highest-ranked proposals. (It might have to decide between proposals that had secured the same result in the rankings, but would not otherwise be able to re-order the proposals.) This would ensure that decisions on prioritisation itself were made in public, by all members, with the Bureau’s role limited to recommending a level of business that the Parliament would be able to deal with. (The Bureau’s list would still require formal Chamber endorsement, but if prioritisation had already been decided, it should be possible for the Bureau motion to be agreed to without amendment.) However, if members voted according to party, such a system could lead to a ranking ordered more by the size of the parties than by the relative merits of the proposals.

47. Whichever mechanism was preferred, it would also be necessary to decide how much debate to allow before decisions are taken. Presumably, each member putting forward a proposal would be given an opportunity to extol its merits. Other members could be given a chance to question that member directly, or there could be a general debate at the end when the relative merits of all the proposals could be discussed. It is likely that a substantial time allocation would be needed for the whole process.

**Consequence of Chamber approval**

48. This is in some ways the most important variable. If the aim is simply to provide political authority for NEBU prioritisation, it need only be provided that proposals selected by the Chamber are entitled to NEBU resources, while those not selected are denied such resources. That would still leave it open to members to seek alternative resources to develop their proposals into Bills and then introduce them.

49. If the aim is also to manage the overall legislative burden of the Parliament, it may be necessary to go further. One option would be to say that only Bills resulting from proposals selected by the Chamber would have a right to an allocation of committee and Chamber time. Bills resulting from other proposals would still be referred to a lead committee, but there would be no expectation that the committee would consider and report on the Bill unless it chose to do so. Another option – and the one the previous Bureau is understood to have favoured – is to provide that only the proposals selected by the Chamber could be introduced as Bills at all.

50. The choice may depend on how proposals that fail to “make the cut” on one occasion are treated on subsequent occasions. Here, the obvious approach would

\(^2\) There could not be a fixed “quota” of proposals to be prioritised, given the disparity in the resource-implications of various proposals. It would therefore also be impractical to allow only amendments that proposed one-for-one substitutions - for example, it might be necessary to remove two or more smaller proposals in order to accommodate one larger one in their place.
simply be to allow all proposals to be re-submitted indefinitely (or even to carry them over automatically to the next occasion without requiring them to be lodged afresh). In that way, no proposal would ever be killed off entirely, but it would be possible for some to fail repeatedly throughout the session. One alternative to this would be to give systematic preference on the second occasion to those proposals that were not selected on the first occasion – with new proposals lodged for the first time given a lower preference. (If the proposals had been ranked the first time, it might only be those that narrowly missed the cut the first time that received such preference over newly-lodged proposals.) It would also be possible to deny proposals rejected on one occasion (or, perhaps, just those that fell below a certain point in the ranking) the right to be considered on the next occasion.

**Option 2: making proposals subject to individual Chamber approval**

51. This option involves adding a new procedural step into the Member’s Bill process so that each proposal would have to be brought to the Chamber for initial debate or decision, prior to introduction.

52. As such, it is an alternative to the system of prioritisation among competing proposals outlined in Option 1. But it might serve a similar purpose in making the Chamber focus on what Bills it wants to see taken forward, and would make the Member’s Bill process closer to what may have been envisaged by the CSG Report. Since the Bureau would be able to control the rate at which proposals were put to the Chamber in this way, it would acquire a better ability to manage the overall legislative burden on the Parliament.

53. Again, there would be a range of ways this could work. In particular, it would need to be decided:

- whether it would still be necessary to obtain a certain number of supporters to a written proposal as a first step;
- what, if any, further information would be needed from the member in advance of the Chamber debate;
- how much time should be allowed for debate on a proposal, and how the debate would be structured;
- what the effect of the Parliament’s decision would be – in particular, whether it would be a necessary condition for being able to introduce a Bill, or just for getting access to NREBU resources.

54. It would be possible to have a procedure where the proposal was not subject to a vote at this stage, but where the need to go to the Chamber for a short debate would act as a mechanism (managed by the Bureau) to control the rate at which Members’ Bills enter the system.
Option 3: raise the proposal threshold

55. One of the criticisms of the present system is that the “entry threshold” for a Member’s Bill is too low. In conjunction with one of the options outlined above, it would also be possible to raise this initial threshold for all Member’s Bill proposals.

56. It is not obvious, however, that simply increasing the minimum number of supporters would be appropriate. A small increase would make little practical difference (most successful proposals secure well over the minimum of 11 supporters already), whereas a larger increase (to 20 or more) would have a disproportionate effect on members of the smaller parties (and independents).

57. What might be more meaningful would be to introduce an explicit requirement for cross-party support. It would not be realistic to require support from more than three parties in total, given that an Executive majority is unlikely ever to involve more than three parties. To avoid giving very small parties a disproportionate influence in determining which proposals succeeded, the requirement might refer only to parties represented by at least 5 MSPs (i.e. those parties entitled to a seat on the Bureau), plus any groups of smaller-party MSPs and independents formed under Rule 5.2.2 (and also entitled to a seat on the Bureau).

58. The fairest threshold might set various levels of support according to how cross-party the support was. For example – and recognising that any numbers are to some extent arbitrary – the minimum threshold could be:

- 11 supporters if they include members of 3 or more of the political parties or groups represented in the Bureau;
- 18 supporters if they include members of only 2 such parties or groups; or
- 25 supporters if they include members of only one of the main political parties.

59. Although not a substitute for prioritisation, such a higher threshold would make it necessary to secure a greater, and a broader, degree of support before a Member’s Bill could be introduced. That could have some benefit in reducing the overall pressure on the system and dissuading some of the more politically controversial proposals.

60. A variation on this option would be to set two initial thresholds. The higher threshold (e.g. 25 supporters, including at least 2 MSPs from each of 3 or more parties/groups) would give a widely-supported proposal an automatic right of introduction – i.e. without requiring Chamber prioritisation. The lower threshold (e.g. 11 supporters, including MSPs from each of 2 or more parties/groups) would qualify the proposal for prioritisation. The Bureau would have to assess on each occasion how many of the latter to prioritise, taking into account how many had already cleared the higher threshold.
Correspondence about progress on considering or implementing recommendations

[Note: the Convener’s letter and other replies were circulated for the last meeting as PR/S2/03/6/6.]

REPLY FROM THE PRESIDING OFFICER

Thank you for your letters of 10 September and 8 October, in which you ask what steps have been taken to respond to recommendations in the previous Procedures Committee’s report on the Parliament’s founding principles. You asked me to reply in my capacity as Presiding Officer and also in my capacities as chair of the Bureau and of the SPCB. Most of what I say below is my view as Presiding Officer but I also set out the position of the Bureau and SPCB towards the end of this letter.

Let me begin by reaffirming my strong commitment, and that of the staff organisation, to the founding principles themselves. The Parliament as a whole endorsed those principles back in June 1999, near the beginning of its first session, and I believe they have now become accepted as a benchmark for how we operate as an organisation.

As an illustration of how the principles continue to inform the way the Parliament works, perhaps I can give a few recent examples of initiatives to which I and the staff have directly contributed.

On power sharing, you will be aware of the steps I have already taken to adapt to the changed composition of the Parliament in the new session. When I gave evidence to your committee recently I referred in particular to how the longer period now allowed for First Minister’s Question Time enables me to achieve a better balance between the various opposition parties and backbench members in questioning the First Minister on the issues of the day.

We have recently had two Chamber debates on important subject areas without the traditional device of a motion and amendments. This illustrates the Bureau’s commitment to innovation in relation to business scheduling and accountability.

The organisation’s continued commitment to access and participation is demonstrated by the recent creation of a new Access and Information Directorate, the function of which is to improve public engagement and understanding of the Parliament’s activities.

Finally, in relation to equal opportunities, I would point to the provision of equal opportunities training to all staff and the involvement of the Equalities Manager in all aspects of corporate policy.
Let me turn now to the recommendations made by the previous Procedures Committee in its report. As you would expect with such a large report, making such a wide range of recommendations – some broad and aspirational, others practical and specific – any considered response is likely to be mixed. There are many sensible and uncontroversial recommendations in the report which I am pleased to support, but there are also areas of disagreement. It can never have been expected that such a report would command unqualified assent from anyone; its main function is to offer ideas and provoke discussion, and in that it has surely succeeded. I am sure that the debate your committee is leading later this month will illustrate the wide range of views that exist on many of the issues the report considers.

**Recommendations relevant to the Presiding Officer**

Recommendation 17 and part of recommendation 21 concern liaison between the Presiding Officers and the media. This is an area where there have been significant developments over recent months. The Parliament’s Media Relations Office now works closely with my office, and has also developed an effective working relationship with the Scottish Parliamentary Journalists’ Association (SPJA). I also give interviews to individual journalists who approach my office as frequently as my timetable permits. I think this flexible and generally low-key approach is broadly the right one, and I am therefore not convinced that there is a need for a more formalised Media Group or regular press briefings, as recommended by the committee.

Recommendation 109 invited me to take steps to establish the views of backbench members on whether their interests are sufficiently recognised. Being aware of the views of members is, of course, central to the role of Presiding Officer and I have repeatedly made clear that my door is always open to any MSP.

As well as the recommendations directed specifically at the Presiding Officer, the report contains a number of general recommendations about the way the Parliament as a whole operates. Given my wider role in representing the interests of the Parliament as an institution, it may be appropriate for me to comment on a few of these recommendations.

A number of them concern the role the Parliament plays as part of the wider system of governance in Scotland. For example, recommendation 2 calls on both the Parliament and Executive to accept a commitment to extend participation in policy formulation and law-making as widely as possible. That is a principle to which we are fully committed, and something we encourage the staff to keep under constant review.

Recommendation 23 encourages a concordat between the Parliament and the Scottish Civic Forum. While I firmly support the role of the Civic Forum, I remain to be convinced that a formal concordat would assist either the Forum or the Parliament in fulfilling their respective, but distinct, functions, and I certainly don’t see a concordat as necessary to enable the Forum to engage constructively with the Parliament on issues of mutual interest. Similarly, I would be cautious about recommendation 69, which seeks to “draw the Parliament into active partnership” with the Executive in relation to modernising government. My concern would be that
this might blur the distinction between Executive as initiator of policy and Parliament as scrutiniser of it, potentially making it more difficult for the Parliament to scrutinise constructively whatever proposals to modernise government the Executive might bring forward.

**Recommendations relevant to the Parliamentary Bureau**

The Bureau considered those recommendations addressed to the Bureau at its meeting on 28 October. It noted the recommendations regarding the timetabling of legislation. The Bureau has also acted on recommendation 60 by securing the Parliament’s approval for two debates on subjects without motions. As you will be aware, some members have expressed support for this procedure, while others have been more sceptical. I certainly think this is an innovation that has been well worth trying. The Bureau will need to assess how successful it has proved to be and to ensure that it is used appropriately on future occasions, and this may also be something your committee will wish to consider.

**Recommendations relevant to the Corporate Body**

A number of the recommendations directed at the SPCB relate to how the Parliament promotes its work externally. For example, recommendations 12 and 14 refer to the possibility of a permanent Parliament road show or High Street information centres and to the “Put it to your MSP” programmes. All these ideas are being considered as part of the external communications strategy that is currently under development. That strategy will also cover the development of the Parliament’s education service.

Other recommendations are less straightforward. For example, recommendation 110 encourages the SPCB to facilitate and resource local meetings throughout Scotland where the public could give their views on major policy questions before the Parliament. While I can see that this could be a constructive approach in certain instances, it could also cut across the work already done by individual MSPs and by committees. The SPCB actively encourages committees to use a range of techniques to engage the public in their scrutiny work, and will be considering a paper on developing our civic participation work towards the end of this year.

The SPCB has no plans to seek to re-name itself, nor am I aware of any widespread desire on the part of other members to do so. Since the current title is established by the Scotland Act, this would require Westminster legislation (recommendation 102).

**Conclusion**

Your letter made clear that you were not seeking a comprehensive response to all relevant recommendations, and I have therefore covered only a selection. This does not indicate that other recommendations are being ignored. Some have already been implemented; others coincide at least in part with developments that are already taking place. Others again may prove impractical or for other reasons not be taken forward. As Presiding Officer, I am always looking at ways to review and improve aspects of how the Parliament works, and welcome ideas from all quarters.
The *Founding Principles* report has already served a useful purpose in stimulating debate about the Parliament’s record to date, and I am sure it will continue to provide a useful source of ideas, including for your own committee.

George Reid
10 November 2003

**REPLY FROM THE CLERK/CHIEF EXECUTIVE**

**Procedures Committee 3rd Report 2003 (Session 1)**

Thank you for your letter of 10 September about the above, and for your further letter of 8 October.

The Presiding Officer is writing separately in relation to those recommendations directed at him and at the Bureau and SPCB. I believe he will be re-affirming the organisation’s general commitment to the founding principles. I would endorse that, and assure your committee that both I and my colleagues in the senior management team (SMT) – and indeed, all the staff of the Parliament – are fully committed to implementing those principles in the way we support the Parliament and its work.

I have given careful consideration with SMT colleagues to the wide range of recommendations made in the report, and how best to respond, in particular, to those dealing with matters for which the Parliament’s staff have primary responsibility.

Two recommendations were directed at me, both concerning equality issues – that I should publish an annual equality report, which might be debated in the Chamber (recommendation 26) and that this should include the results of an annual staff equality audit (recommendation 28). I am certainly fully committed to promoting equalities issues throughout the staff organisation, and the SMT does keep equality issues under constant review. A new system of equality reporting is currently being initiated, involving annual reports by each Directorate which I will then compile and present on behalf of the whole staff organisation to the SPCB.

Recommendations 18 and 19 concerned the Media Relations Office (MRO) and I am pleased to say that both these reflect steps that are already being taken. The MRO now has in place a tailored approach to engaging with local media and is also exploring ways to improve its monitoring of local and regional coverage. There is a code of conduct for journalists which accompanies the system we have established for media accreditation, and this is available on the Parliament’s website. The list of accredited journalists is available via MRO or the Parliament’s security staff.

A number of recommendations relate to the Parliament’s website and intranet. Again, this is an area where there is continuous development, with the lead taken by the Internet/Intranet Editorial Board (IIEB). Considerable efforts have already been made to make the website as accessible as possible to people with disabilities, and
a further re-design is planned in which equalities issues will feature prominently (recommendation 34). The opportunity for public feedback on the re-design (recommendation 11) has already been provided. However, the idea of using the intranet as a means for members to indicate their desire to speak (recommendation 43) is more problematic. There are technical issues which require further consideration, and it is not wholly clear what advantages this would have over the current system.

Recommendation 52 suggested that Participation Services should consider how the public could learn more about the annual budget process and the Parliament’s role in it. SPICe briefings on this subject are already available on the website and the range of information provided by Public Information will be reviewed prior to the move to Holyrood. As part of that review, information about the services offered to people with disabilities is planned (recommendation 34). The SPCB has already agreed that information about petitions should be made available in a wide range of languages (recommendation 118). We are reviewing the guidance material published about the role of MSPs on the website and at Holyrood (recommendation 108).

As I hope these examples illustrate, there is a great deal of work being undertaken at various levels of the organisation to further embed the founding principles in the way the Parliament operates.

P E Grice
Clerk/Chief Executive
7 November 2003
LETTER FROM CONVENER OF EDUCATION COMMITTEE

At its meeting of 29 October the Education Committee had a discussion on whether to take an agenda item on the consideration of a draft report on the Executive budget in private. Following a discussion the Committee agreed to take the item in private but with the proviso that the Procedures Committee be approached for guidance on the consideration of draft reports and the taking of items in private in general.

I should be pleased to know if any such guidance has been agreed, either formally or informally, or a standard approach thought appropriate for such items.

Robert Brown
Convener
4 November 2003

REPLY BY CONVENER OF PROCEDURES COMMITTEE

Thank you for your letter of 4 November in which you ask for guidance on the consideration of draft reports and the taking of items in private.

I should begin by saying that it is not really the role of the Procedures Committee to offer guidance on the application of the standing orders or other procedural rules and practices; our role is rather to review those rules and practices, particularly where problems are brought to our attention, and to recommend changes where appropriate.

As I am sure you are aware, the standing orders create a general presumption that committees meet and take items in public, but enables them to decide to take most items in private should they wish (Rules 12.3.4 and 5). The published Guidance for the operation of committees (2nd edition, 2003) expands on these Rules (paras 7.7 to 7.19. Discussion of draft reports is listed as one of a number of instances where it might be appropriate to meet in private (para 7.18).

The view of committee conveners in the last session on this issue were set out in a submission made by the Conveners’ Liaison Group (as it then was) to the previous Procedures Committee in its inquiry into the Parliament’s founding principles (published in that Committee’s 3rd Report, 2003 (Session 1), Volume 4, pp 152-6). Although the previous Procedures Committee did not entirely concur with the CLG view in its report (Volume 1, paras 609-646), the current Procedures Committee has no plans at present to review the Rules or practices in this area. The Conveners’
Group in the current session has endorsed the position set out in the CLG submission, and that must therefore be regarded as the consensus view at present – though it remains of course up to each committee to decide whether to take particular items in private, depending on the circumstances.

I hope this is of some assistance to you in relation to future decisions your committee makes.

Iain Smith
Convener
6 November 2003
**QUESTION TIME**

Summary of responses to questionnaires issued in the public gallery 31 October and 6 November 2003 – total received 219

<table>
<thead>
<tr>
<th>Question 1: How many times have you attended a session of QT?</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Today is first visit</td>
<td>182 (83%)</td>
</tr>
<tr>
<td>2-3 times</td>
<td>25 (11%)</td>
</tr>
<tr>
<td>4-7 times</td>
<td>6 (3%)</td>
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<tr>
<td>8 times or more</td>
<td>5 (2%)</td>
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</table>

<table>
<thead>
<tr>
<th>Question 2: Was seeing QT your main reason for visiting Parliament today?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>126 (58%)</td>
</tr>
<tr>
<td>No – although I knew it was happening today</td>
<td>59 (27%)</td>
</tr>
<tr>
<td>No – I didn’t know it was happening today</td>
<td>34 (16%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 3: Did you come today as part of a school or study party?</th>
<th></th>
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<tbody>
<tr>
<td>Yes</td>
<td>147 (67%)</td>
</tr>
<tr>
<td>No</td>
<td>72 (33%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 4: Are you on your own or part of a group?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Own</td>
<td>28 (13%)</td>
</tr>
<tr>
<td>Part of Group</td>
<td>190 (87%)</td>
</tr>
<tr>
<td>Question 5: What was your main reason for watching QT today?</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>For general interest</td>
<td>129 (59%)</td>
</tr>
<tr>
<td>To hear about a specific question or issue</td>
<td>11 (5%)</td>
</tr>
<tr>
<td>To see/support my local MSP</td>
<td>3 (1%)</td>
</tr>
<tr>
<td>To hear the views of different parties</td>
<td>19 (9%)</td>
</tr>
<tr>
<td>Had no choice</td>
<td>13 (6%)</td>
</tr>
<tr>
<td>No particular reason</td>
<td>9 (4%)</td>
</tr>
<tr>
<td>For Procedures Committee Inquiry/Focus Group</td>
<td>18 (8%)</td>
</tr>
<tr>
<td>Other</td>
<td>14 (6%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 6: Would you prefer a longer or shorter QT or is 40 minutes about the right length?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prefer longer</td>
<td>57 (26%)</td>
</tr>
<tr>
<td>Prefer shorter</td>
<td>5 (2%)</td>
</tr>
<tr>
<td>40 minutes is the right length</td>
<td>107 (49%)</td>
</tr>
<tr>
<td>Don't know</td>
<td>36 (16%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 7: For a trial period QT takes place at noon on Thursdays, with FMQT at 12 noon the same day. Previously FMQT took place immediately after QT without a break for lunch. Which of the arrangements is more convenient for you?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current arrangement (i.e split by lunch)</td>
<td>90 (41%)</td>
</tr>
<tr>
<td>Previous Arrangement (i.e without split for lunch)</td>
<td>27 (12%)</td>
</tr>
<tr>
<td>Both are equally convenient</td>
<td>40 (18%)</td>
</tr>
<tr>
<td>Neither are particularly convenient</td>
<td>2 (1%)</td>
</tr>
<tr>
<td>Don't know</td>
<td>48 (22%)</td>
</tr>
</tbody>
</table>
**Question 8:** On QT to what extent do you agree that…?

<table>
<thead>
<tr>
<th></th>
<th>Agree strongly</th>
<th>Agree slightly</th>
<th>Neither Agree or disagree</th>
<th>Disagree slightly</th>
<th>Disagree strongly</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>There was a good range of topics dealt with</td>
<td>82 (37%)</td>
<td>70 (32%)</td>
<td>18 (8%)</td>
<td>4 (2%)</td>
<td>0</td>
<td>9 (4%)</td>
</tr>
<tr>
<td>There was a fair spread across the political spectrum of those asking questions</td>
<td>50 (23%)</td>
<td>59 (27%)</td>
<td>24 (11%)</td>
<td>7 (3%)</td>
<td>2 (1%)</td>
<td>21 (10%)</td>
</tr>
</tbody>
</table>

**Question 9:** Current format allows questions on any topic. An alternative would be to have “themed” questions. Which approach do you feel should be used?

<table>
<thead>
<tr>
<th></th>
<th>Current format (questions on any topic)</th>
<th>Questions restricted to 1 or 2 subject areas each week</th>
<th>Mixture of both (part general questions, part subject based)</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>69 (32%)</td>
<td>28 (13%)</td>
<td>72 (33%)</td>
<td>21 (10%)</td>
</tr>
</tbody>
</table>

**Question 10:** Which of the following did you expect to happen at QT? You may select more than one.

<table>
<thead>
<tr>
<th></th>
<th>For an MSP to get information about a particular subject</th>
<th>For the Parliament to investigate what Scottish Ministers are doing</th>
<th>For MSPs to give their views on the policies of Scottish Ministers</th>
<th>None of the above</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>118 (54%)</td>
<td>94 (43%)</td>
<td>103 (47%)</td>
<td>11 (5%)</td>
</tr>
</tbody>
</table>
**Question 11: To what extent to you agree that it actually allowed…?**

<table>
<thead>
<tr>
<th>Agreed strongly</th>
<th>Agreed slightly</th>
<th>Neither Agree or Disagree</th>
<th>Disagree slightly</th>
<th>Disagree strongly</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>MSPs to get information about a particular subject</td>
<td>48 (22%)</td>
<td>71 (32%)</td>
<td>27 (12%)</td>
<td>12 (5%)</td>
<td>3 (1%)</td>
</tr>
<tr>
<td>Parliament to investigate what Scottish Ministers are doing</td>
<td>46 (21%)</td>
<td>62 (28%)</td>
<td>32 (15%)</td>
<td>11 (5%)</td>
<td>4 (2%)</td>
</tr>
<tr>
<td>MSPs to give their views on the policies of Scottish Ministers</td>
<td>56 (26%)</td>
<td>54 (25%)</td>
<td>30 (14%)</td>
<td>10 (5%)</td>
<td>3 (1%)</td>
</tr>
</tbody>
</table>

**Question 12: How highly did you rate this session of QT?**

<table>
<thead>
<tr>
<th>Rating</th>
<th>Count (Percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very highly</td>
<td>26 (12%)</td>
</tr>
<tr>
<td>Fairly highly</td>
<td>98 (45%)</td>
</tr>
<tr>
<td>Not very highly</td>
<td>38 (17%)</td>
</tr>
<tr>
<td>Not at all highly</td>
<td>7 (3%)</td>
</tr>
<tr>
<td>Don't know</td>
<td>6 (3%)</td>
</tr>
</tbody>
</table>
**Question 13:** Please say how much you agree or disagree with the following statements about the QT session you attended.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Agree strongly</th>
<th>Agree slightly</th>
<th>Neither Agree or disagree</th>
<th>Disagree slightly</th>
<th>Disagree strongly</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>I found it easy to understand what was happening</td>
<td>69 (32%)</td>
<td>72 (33%)</td>
<td>11 (5%)</td>
<td>16 (7%)</td>
<td>7 (3%)</td>
<td>1 (0%)</td>
</tr>
<tr>
<td>I found the session particularly interesting</td>
<td>45 (201)</td>
<td>91 (42%)</td>
<td>22 (10%)</td>
<td>9 (4%)</td>
<td>5 (2%)</td>
<td>2 (1%)</td>
</tr>
<tr>
<td>I found the session particularly informative</td>
<td>30 (14%)</td>
<td>77 (35%)</td>
<td>33 (15%)</td>
<td>13 (6%)</td>
<td>8 (4%)</td>
<td>5 (2%)</td>
</tr>
<tr>
<td>The quality of questions was high</td>
<td>38 (17%)</td>
<td>60 (27%)</td>
<td>49 (22%)</td>
<td>10 (5%)</td>
<td>5 (2%)</td>
<td>7 (3%)</td>
</tr>
<tr>
<td>The quality of answers was high</td>
<td>25 (11%)</td>
<td>64 (29%)</td>
<td>44 (20%)</td>
<td>18 (8%)</td>
<td>4 (2%)</td>
<td>10 (5%)</td>
</tr>
</tbody>
</table>

Information given below was an optional section for completion

<table>
<thead>
<tr>
<th>Age</th>
<th>13-15 yrs</th>
<th>16-18 yrs</th>
<th>19-24 yrs</th>
<th>25-44 yrs</th>
<th>45-64 yrs</th>
<th>65+</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17 (8%)</td>
<td>33 (15%)</td>
<td>19 (9%)</td>
<td>48 (22%)</td>
<td>43 (20%)</td>
<td>34 (16%)</td>
</tr>
</tbody>
</table>

| Gender | Male | 66 (30%) | Female | 112 (51%) |

| Do you consider you have a disability? | Yes 11 (5%), | No 168 (77%) |

| Where do you live? | Scotland – Edinburgh and Lothians | 34 (16%) |
|                   | Scotland – Elsewhere in central belt | 36 (16%) |
|                   | Scotland – Elsewhere | 72 (33%) |
|                   | Elsewhere in UK | 30 (14%) |
|                   | Elsewhere in Europe | 18 (8%) |
|                   | Elsewhere overseas | 5 (2%) |

| Working Status? | Employed | 60 (25%) | Unemployed | 6 (2%) | Long-term sick/disabled | 10 (4%) |
|                | Retired | 11 (5%) | Full time Edu. | 128 (53%) | Looking after home/family | 3 (1%) |

| Travel Time? | Up to 1 hour | 76 (35%) | 1–3 hours | 99 (45%) | over 3 hours | 16 (7%) |
PROCEDURES COMMITTEE

INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Submission from the Federation of Small Businesses in Scotland

The Federation of Small Businesses is Scotland’s largest direct-member business organisation, representing 18,000 members. The FSB campaigns for an economic and social environment which allows small businesses to prosper.

The FSB has watched the development of the Scottish Parliament with interest and has welcomed the opportunity to work with MSPs and parliamentary committees on a number of inquiries during the first term of the Parliament. During the recent Scottish Parliamentary elections, the Federation produced a manifesto which outlined our vision for a more prosperous and fairer Scotland. In the manifesto we briefly outlined measures relating to parliamentary Question Time which we felt would bring a greater degree of scrutiny to the process. We have therefore submitted the following comments for the committee’s consideration:

- Whilst Scottish Executive Ministers are often held to account before committees, it is fair to say that the committee meetings are not well-reported by the media, whereas Question Time (and business in the Chamber) receives a greater degree of coverage. Accordingly, we would support longer periods of questioning in the Chamber for individual Ministers.

- This would best be achieved by grouping questions according to subject/ministerial responsibility and would lead to a more coherent debate.

- The recent changes made to First Minister’s Questions have probably been effective, but we would suggest more time should be given to fewer questions in order to better develop points being made.

FSB, Scotland
13 November 2003
PROCEDURES COMMITTEE

INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Further submission from focus group

SUBMISSION BY COMMUNITY LINKS, WEST LOTHIAN

Report compiled by Angela Moohan (facilitator) on behalf of Community Links, West Lothian

Event attended by:

June Sneddon   Group member
Lorraine Berry   Group member
Brenda Kane     Group facilitator
Richard Hussain Group member
Martin Lawson   Group facilitator
Frances Anderson Senior Community Education Worker
Kenny McLoed    Group Member
Angela Moohan   Facilitator on behalf of Scottish Parliament

Introduction

The above group was asked to participate in the Scottish Parliament Procedures Committee inquiry into oral questions in the Scottish Parliament. The process consisted of an informal educational input by Angela Moohan, facilitator, a discussion and expectations about the parliament and the visit to the Parliament to observe First Minister's Question Time. Unfortunately a member of the group took unwell on the day and we had to leave early; however, arrangements were made for a video of Question Time to be sent to the group, which they then watched and discussed as a group.

Community Links is a membership group, which supports individuals with mental health problems to live independently in the community. The main aspect of their work is to enable members of the group to gain the confidence and skills to communicate more effectively with the wider community and enhance their life chances. As a result of being involved in this process the group are discussing the possibility of working with Community Education to develop their understanding of local and national politics and how they can actively participate in decision-making at these levels.

The Process

The initial session was structured to allow information to be passed on regarding the structures of the Scottish Parliament the committee structure and to provide details of the inquiry. Time was also made available to enable
members of the group to ask questions and clarify the purpose of their participation in the process.

On the day of the visit to the Scottish Parliament the group met in Livingston and we all travelled together. Those attending had the opportunity to meet participants from other groups and were provided with an initial impartial verbal briefing, from Andrew Mylne, Clerk to the Procedures Committee. Handouts covering the inquiry and issues raised were also made available. Therefore, while the participants were directed towards certain issues, the participants also had the ability to raise issues of concern to themselves, whether or not they were covered by the inquiry. The group then observed First Minister's Question Time and shared lunch with the other groups. At this point, just prior to the start of Question Time a member of the group felt unwell and we left. A video of the proceedings was sent to the group and a further session organised for Thursday 13 November.

The session on 13 November provided an opportunity for reflection and comments about the visit to the Parliament. In addition the video of Question Time was shown and a discussion session took place on the value of oral questions. The following comments were made and agreed by all the group members.

**Key Findings**

*First Minister's Question Time*

- The first Minister should not know the questions in advance.

- The main opposition party leaders should continue routinely to be selected for every FMQT only if it is extended and the same rights are extended to the leaders of the smaller parties. This would provide an opportunity for a more meaningful opportunity for all parties.

- It shouldn’t matter who asks a question as long as the question is a valuable one.

- Open questions do not seem to be of any value and are actually a waste of valuable time in the chamber.

*Question Time*

- Time allocated is not long enough.

- A thematic approach to Question Time could allow for more detailed answers from ministers and their teams. However it is recognised that this would require more time and it could also have a detrimental effect as MSP’s may only attend sessions that are of interest to them. So the concern is that a thematic approach could reduce the levels of participation.
• The group was quite happy with the random way in which questions are selected.

• Questions should not be known in advance as answers seemed to be written by civil servants and were as brief as could be, sometimes not even answering the question.

General comments

• There was a lack of respect to fellow members in the chamber – too much chit-chat and hilarity while debates were taking place.

• Too much heckling.

• The group did enjoy the sense of humour displayed by some members.

• Language used was easy to understand and there was not much jargon.

• MSPs displayed a high level of public speaking and were very articulate.

• Sessions were convened and well chaired – kept to time well.

• Participants in debate should get the chance to ‘come back’

• Allocating additional time could contribute to more meaningful question and answer sessions.

Conclusions

The group valued the experience of participating in decision making at this level. They enjoyed both sessions but got a better experience from the observations in the Parliament. Some of them had seen FMQT and QT on television but seeing it live in the chamber gave them a different perspective of it.

The group felt that both FMQT and QT are too short and should be extended to make it a more worthwhile debate. The first questions asked by opposition leaders were a waste of valuable time and did not add any value to the sessions. If questions were not known in advance then it would negate the need for these meaningless questions. Indeed the whole process was very much like a political point-scoring exercise, and not a session where the Government is held to account.

It seemed that some MSPs did not share the view of the participants that the chamber is a very important arena, where decisions about the future of Scotland are taken, and were very disrespectful to some members. The group felt very strongly about this issue and was very surprised that there was so much chatting during debates.
Oral questions are important but only have a place in a system that values the opinions of all MSPs no matter whether they are party leaders, Ministers or ordinary representatives. There should be more value placed on quality debates where all the issues are raised and discussed, not swept under the carpet. The participants observed on several occasions that members asking questions were unhappy with the answers but they did not seem to have the chance to come back and demand a more detailed answer. If this was the case then it really would be a session where the Government of the day could be held to account.
Present:

Mr Richard Baker
Cathie Craigie
Karen Gillon (Deputy Convener)

Mark Ballard
Bruce Crawford
Jamie McGrigor

Apologies were received from Iain Smith.

The meeting opened at 10.32 am.

1. **Oral Questions in the Chamber:** The Committee took evidence from—

   Robin Harper, Principal Speaker of the Scottish Green Party;

   Carolyn Leckie, Scottish Socialist Party representative on the Parliamentary Bureau,

   followed by—

   Bill Aitken, Business Manager of the Scottish Conservative and Unionist Party;

   George Lyon, Chief Whip of the Scottish Liberal Democrat Party;

   Alasdair Morgan, Group Convener of the Scottish National Party.

2. **Scottish Civic Forum:** Members noted that the event was to take place in the Chamber on 25 November and undertook to advise the Clerk of their availability.

The meeting closed at 11.56 am.

Andrew Mylne
Clerk to the Committee
PROCEDURES COMMITTEE

INQUIRY INTO ORAL QUESTIONS IN THE CHAMBER

Submissions from focus groups

Subsequent to the four focus group submissions that were issued as papers 4 and 12, the following groups have responded and their submissions are attached:

- Community Connections Project, based in Easterhouse, Glasgow. 12 people attended the Parliamentary session on 6 November.

- Inverclyde Community Development Trust, based in Greenock. 17 people attended the Parliamentary session on 6 November. This group submitted an interim response and will send its full response in due course.
SUBMISSION FROM THE COMMUNITY CONNECTIONS PROJECT

Background to Community Connections and “Moving On Lanarkshire” programme.

Community Connections is an intermediary organisation operating within the social economy with its key role to connect local people into learning.

Built on partnership working, the project was initiated in 1996 jointly by One Plus: One Parent Families and John Wheatley College. The project provides a variety of information, support and training programmes to lone parents, women, long-term unemployed men and local people involved in community activity who reside within the Greater Easterhouse area and more recently in Lanarkshire.

Over the 7 years the project has been operating, it has continued to expand its services and recently, in partnership with Scottish Enterprise Lanarkshire and Careers Scotland, the project has piloted a new initiative in the Lanarkshire area.

This initiative offers local people the opportunity to be employed for a 40-week period and gain a recognised SVQ Level 2 Community Development Work qualification. This work-based qualification provides the candidates with a quality employment experience within the Lanarkshire area.

The candidates that attended the visit to the Scottish Parliament are all, at present, participating in work experience placements within the Lanarkshire area and working with young people between the ages of 16 and 25 years and long-term unemployed.

First Minister’s Question Time

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

Response

Participants agreed that questions should continue to be routinely selected to give a fair balance but felt that the time designated for FMQT should not be restricted and there needed to be more time to allow questions to be answered in full.

Participants felt that all political parties should be allowed the opportunity to question the First Minister. Although there are a number of smaller parties within the Parliament, opinion was that they were being discriminated against by not being able to regularly participate in FMQT and they should be able to do so on a proportional basis.

They were in agreement that all parties, no matter how small, had been elected to undertake a role within the Parliament and represent their communities. FMQT should provide an opportunity for party leaders to display their political skills and offer the electors the opportunity to judge their performance and their ability to represent them.
Alternatively should only backbencher questions be selected, on the understanding that the party leaders would then be called upon to answer supplementaries?

Response
Participants felt that there is scope for backbenchers’ questions on specific topics to be selected and the party leader would decide who would be the most suitable person to answer. This would allow the party leader an opportunity to give information he thinks is important.

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 represents an element of surprise)? If so, should other party leaders or backbenchers also be able to ask open questions?

Response
Participants felt that ‘open questions’ should continue, but the First Minister should only answer questions on matters on which he is responsible to the Parliament.

They indicated that they felt that open questioning allowed an opportunity for relevant and current issue based questions to be raised, for the First Minister to be accountable to the nation and to answer “on the spot” questions and be scrutinised by other party leaders.

Although the group feel this form of questioning allowed the main opposition parties to score points, to try and reveal weaknesses in his performance and expose the First Minister to considerable criticism, “open questions” should continue.

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 a particular subject, or to particular Ministers?

Response
Participants agreed that in principal a thematic element to question time would allow current issues to be raised in more depth and for Ministers to be accountable but felt that if the thematic element was not current it would be a waste of dedicated time.

They felt that Question Time should continue to cover all areas of the Executive week, and this would allow an opportunity for issues to be raised and MSPs to represent their communities and question Ministers on issues as they arise.

Should questions for Question Time continue to be selected on a random basis?

Response
The group felt that questions should continue to be selected randomly to ensure that all questions have an equal chance of being answered orally by the appropriate person. A discussion arose around questions lodged but not selected. The group
felt that it was still important to answer these questions and that written questions should also be answered and published in the session minutes.

**General**

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

**Response**
Participants agreed and felt that this would allow questions to be fully answered and will restrain members from introducing or inviting arguments or initiating debates.

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

**Response**
Participants felt that it was very important that advance notice is given to members allowing them to obtain detailed information from the appropriate source for questions lodged. This would allow questions to be answered in as much detail as possible. They felt that the system already in place for oral and written questions to be lodged is appropriate.

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

**Response**
Participants agreed that there should be an element of flexibility in the length of time allowed to Ministers to answer questions appropriately. The length of time designated should depend on the complexity of the question being asked. Ministers should be compelled to answer the question in full and not give a limited response.

**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?*

**Response**
Participants agreed that having the opportunity for committee Conveners to question the First Minister at a public meeting would be an excellent opportunity for the Executive to be accountable to the local people they represent, although they feel that it should be on a more regular basis than twice per year.

*Should there be more regular opportunities for oral questions addressing the Presiding Officer and other members of the Parliamentary Corporation?*

**Response**
This question was not discussed fully as participants did not see the relevance of questioning the Presiding Officer or Parliamentary Corporation.
INTERIM SUBMISSION FROM THE INVERCLYDE COMMUNITY DEVELOPMENT TRUST

First Minister’s Question Time

With regards to FMQT, the group felt overall that it was staged and not a natural progression of debate.

It was also suggested that the Presiding Officer take a more active part in so much as to ensure that the First Minister does answer the question.

- 1 hour should be dedicated to FMQs - this would hopefully ensure adequate response of questions to be fully debated and answered.
- 8 questions should be the minimum answered.
- All party leaders should have the opportunity to put a question to the First Minister.
- The remaining questions should be randomly selected.

Question Time

- 1 hour to be allocated to this procedure
- Keep to the allotted 30 questions which would allow for more debating time on the issue.
- Questions should be selected on an issue basis i.e. 5 health questions, 5 justice questions, etc.

General

Overall it was felt that MSPs should be in the Chamber on time for both of these procedures as it was very off-putting having people wandering in and out all the time.