Dear Gil

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE 5TH REPORT, 2009 – ACCURACY OF CONTRIBUTIONS IN PARLIAMENTARY PROCEEDINGS (SP Paper 254)

Thank you for your letter of 5 May about the above Report which your Committee published that same day. This letter provides the Scottish Government’s formal response.

The Government welcomes the terms of the Committee’s Report, in particular its recognition of the strengths of the existing Ministerial Code, which makes clear that Ministers must not knowingly mislead the Parliament. The Committee’s acknowledgement that it would not enhance the First Minister’s accountability if individual Members or the Parliament had powers to refer complaints direct to the independent advisers for consideration under the Ministerial Code is also welcomed. The Government agrees that any such change would blur existing lines of accountability and considers it counter-productive in terms of enhancing transparency. As the Ministerial Code makes clear, Ministers remain at all times accountable to the Parliament for their conduct.

The Report highlights the 3 existing documents which, taken together, offer guidance on conduct in the Parliament. Standing Orders, the Code of Conduct for MSPs and the Scottish Ministerial Code are distinct in their purpose and the Report usefully records how each document handles such matters. It is hoped that these arrangements would adequately cater for the majority of challenges that arise. As the Committee recognises, identifying a procedural mechanism to police fully the accuracy of contributions made in the Chamber is likely to be difficult, if not impossible. Ultimately, circumstances, integrity of argument and political accountability, in varying combinations, take precedence over defined procedure to provide an effective remedy.
However, the Government agrees with the Committee's conclusion that there would be merit in exploring, in principle, whether a further protocol between the Government and the Parliament could enhance the clarity of existing guidance documents. The opportunity for partnership working on this matter is welcomed. The Government considers it important to ensure that any agreed procedures relating to the accuracy of contributions to parliamentary proceedings should apply equally to all Members. This minimises scope for ambiguity and should, therefore, deliver improved governance.

On points of order, it is recognised that such matters fall to the Presiding Officer, and the Parliament, to determine. However, the Government does see merit in the Committee's conclusion that notifications of alleged misconduct should be made in writing to the Presiding Officer, and that the option of making a relevant point of order should not be ruled out.

Lastly, the Government welcomes the proposal that the Committee explore further whether additional mechanisms to correct inadvertent inaccuracies might usefully be developed.

I am sending a copy of this letter to the Clerks to the Committee, Gillian Baxendine and Alison Walker.

BRUCE CRAWFORD