Dear Gil

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE 7th REPORT, 2010: ACCURACY OF CONTRIBUTIONS IN PARLIAMENTARY PROCEEDINGS - GUIDANCE AND OFFICIAL REPORT CORRECTION MECHANISM (SP Paper 501)

The Government has noted the content of the above Report and broadly welcomes its conclusions.

The Committee propose that the Parliament establish a mechanism to facilitate corrections to be made to the Official Report. The Government supports that proposal which it considers will contribute towards meeting the Presiding Officer’s aim for the Parliament, and its members, to demonstrate the highest standards of probity, scrutiny and accountability.

Whilst the Government similarly sees merit in providing members with guidance on how to seek and request corrections, I do have some concerns with the proposed format of that guidance, as indicated at Annex B to the Report.

Firstly, I see no reason why the guidance needs to use the terminology ‘Members (and ministers)’. Ministers are members and are required to adhere to both the requirements of parliamentary rules and those set out in the Scottish Ministerial Code. Furthermore, the Presiding Officer has made clear that any proposals are to apply equally to all members.

Secondly, the Government has maintained the importance to all parties of having a clear and common understanding of the lines of accountability that exist in terms of ministerial actions in the Parliament, as regulated by the Scottish Ministerial Code and enforced by the First Minister. Indeed, paragraph 6 of the Report makes welcome reference to same. However,
the draft guidance includes, under the heading “Seek action through other parliamentary processes and/or procedures” the following possible action:

“Where the incident involves a minister, writing to the First Minister/lodging a motion urging the First Minister to refer the complaint to the independent advisers established under the Scottish Ministerial Code.”

The Government would contend that the guidance therefore makes an insufficient distinction between parliamentary processes and arrangements set down in the Scottish Ministerial Code. I do appreciate that the action concerned relates, in part, to the lodging of a motion, and that it is important for members to be made aware of arrangements for progressing complaints under the Ministerial Code. However the fact remains that those arrangements do not form part of parliamentary process or procedure.

I would suggest that a preferable approach would be for the guidance to contain a separate section on how to take action in respect of ministerial contributions in parliamentary proceedings. The section could also, for future ease of reference, record the important conclusions of the Committee as regards ministerial lines of accountability to Parliament. The Annex to this letter suggests an alternative version of the guidance, the merits of which I hope the Committee might consider.

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

BRUCE CRAWFORD
ANNEX

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE 7th REPORT, 2010: ACCURACY OF CONTRIBUTIONS IN PARLIAMENTARY PROCEEDINGS - GUIDANCE AND OFFICIAL REPORT CORRECTION MECHANISM (SP Paper 501)

PROPOSED REVISED VERSION OF ANNEXE B TO THE REPORT
(suggested revisions tracked)

“ANNEXE B: DRAFT GUIDANCE ON STEPS TO REQUEST CORRECTIONS TO POSSIBLE INACCURACIES IN PARLIAMENTARY PROCEEDINGS

1. This guidance sets out a number of ways in which members may seek to highlight and request corrections where it is believed that inaccurate or incomplete information has been given in parliamentary proceedings and such information has not been corrected.

2. Members (and Ministers) have a personal responsibility to be accurate and truthful.

3. Where a member believes that a member (or minister) has been inaccurate during parliamentary proceedings (such as in a plenary debate, during Question Times, in proceedings on a statement or in committee proceedings), he or she may consider taking the following steps—

   - **Resolution during the proceedings**
     Where a member believes that there has been an inaccuracy during parliamentary proceedings, that member should seek to intervene during the proceedings to make that point, inviting the member to reflect on the veracity of what has been said.

   - **Resolution in person/through correspondence**
     If it has not been possible to raise the matter at the time, the member may wish to raise the matter in person or in writing with the member (or minister) in question.

   - **Seek action through other parliamentary processes and/or procedures**
     Other action which the member may wish to pursue could include—

       - written questions/follow-up questions;

       - lodging a motion calling for a debate on the policy matter in question;

       - where the incident involves a minister, writing to the First Minister/lodging a motion urging the First Minister to refer the complaint to the independent advisers established under the Scottish Ministerial Code.

Ministerial contributions in Parliament

4. It is of course open to members to pursue any of the steps outlined at paragraph 3 above in the event they have concerns with any contribution made by ministers. However, ministers are subject not only to parliamentary rules, but also to the requirements of the Scottish Ministerial Code.

for enforcing the Scottish Ministerial Code and the First Minister is in turn accountable to Parliament.

6. Where an incident involves a minister, it is therefore open to members to write to the First Minister requesting that their complaint be referred to the independent advisers established under the Scottish Ministerial Code. Ultimately, it is open to members to lodge a motion before Parliament seeking similar action on the part of the First Minister. However, under either scenario, it remains the sole responsibility of the First Minister to decide whether to refer a complaint under the Ministerial Code and to be held accountable to Parliament for any decision he takes in that regard.

**Publicising where a correction has been made**

7. Where a minister or member has made a correction to an inaccuracy, they should take steps to make the correction widely known, such as—

- ensuring that the correction is made at the earliest possible opportunity in the Official Report (see *Guidance on the correction of inaccuracies of information provided in parliamentary proceedings through the Official Report*);
- writing to the member who raised the matter;
- placing a copy of the correction in the SPICe library;
- copying any correspondence to the Presiding Officer, relevant party spokespersons and business managers.

*Note: It should be noted that the Official Report correction mechanism referred to in paragraph 7 of this guidance is not yet in operation. The other steps set out in this guidance may still be used to correct an inaccuracy.*

An announcement will be made in the Business Bulletin when the Official Report correction mechanism has been introduced and this guidance will then be posted on the Parliament’s website.*]