

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

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

INTRODUCTION

The Responsibility of the Scottish Executive

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

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

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

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

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

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

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

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

¹ The *Scottish Executive Good Practice Guidance on Consultation* is currently being revised. The revised version should be available to Scottish Executive staff by September 2003.

consultation activity, and will play a valuable part in the general impetus to change within the Scottish Executive. Adapting to the new challenges posed by devolution is of course a continuous process and our current and future planned evaluation work will aim to identify areas of strength and areas where further improvement is required as well as monitoring progress .

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

The Parliament and its Scottish partners in governance

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

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

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

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

ACCESS AND PARTICIPATION

Strengthening Access & Participation

- *Recommendation 3: Nevertheless, the Parliament is at an early stage, and there is likely to be considerable room to expand the scope of participation activities. The present level of Parliamentary activity and resources may have to increase to meet perceived demand, for example committee resources and civic participation events. We therefore recommend that a cost-effective, targeted strategy be developed to enhance participation and access, and that both committee work and civic participation events will require additional focus and resources.*
- *Recommendation 4: We recommend that the expanded guidance which we will recommend in paragraph 846 should build on the 'networking' which Members already do with representatives of local authorities and other local organisations, for example enterprise companies, health boards and trusts and others, in order that all of these operate so far as possible as a team for the purpose of developing the public's access to political participation generally.*
- *Recommendation 5: We consider that it is of fundamental importance to ensure that the Parliament's efforts to improve access and participation are directed to increasing the breadth of those who engage with the Parliament, to draw disadvantaged social groups in particular into the decision making process. We recommend that this objective should be made explicit in the Parliament's external communications strategy.*
- *Recommendation 6: We recommend that the SPCB should prepare a specific outreach programme, based on the research recently commissioned by SPICe, to target and engage presently disengaged social groups, seeking to use all the resources of the Parliament and its committees, with regular reports to the Parliament which might be the subject of debate and discussion in the Chamber. It is vital that such a programme – and indeed all of the Parliament's efforts to enable wide participation – is directed to enabling people to be better informed about the Parliament in order that they are better equipped to influence the political process. We have no illusions about the difficulties of this task.*
- *Recommendation 7: We recommend that the SPCB should consider how best it can enable Participation Services to assist small organisations, and non-organised individuals, to interact better with the Parliament and its committees. We suggest that advice could be given, for example, on how people could access papers, respond to consultations, prepare and make submissions, and arrange meetings. Individuals and groups who wished to raise an issue could be advised as to the best way to do so. We recommend that resources should be made available to develop Participation Services in these directions.*
- *Recommendation 8: In seeking to extend access and participation, we suggest that it will be of enormous importance that the Parliament considers using as many 'gateway organisations' as possible in order to stimulate a partnership approach and to make the best use of the resources of all organisations and individuals who wish to involve themselves in the Parliamentary process - ensuring that resources are directed to areas where there are clear purposes to be achieved. We recommend that partnerships between the Parliament, Scottish Civic Forum, and organisations such as Barnardos, should be pursued vigorously.*

- *Recommendation 9: We recommend that the Parliament's Research and Information Group (RIG) and the SPCB should undertake research, in the light of 3 years experience, into any appropriate expansion of the partner library network, and the provision of IT links into the Scottish community, based on the libraries, but not necessarily confined to them. Consideration might be given to piloting IT access points in areas which would best support the objective of widening the engagement of the Parliament with disadvantaged groups.*
- *Recommendation 10: We commend the establishment of the Parliamentary Intranet/Internet Editorial Board and the Participation Services Unit. The 'discussion facilities' recommended by the Expert Panel now exist on the web (where there are, for example, forums on Europe, the Middle East, and Chronic Pain). We recommend that appropriate priority continues to be given to the development of the Parliamentary website, including provision for interaction.*
- *Recommendation 11: We recommend that users should be given the chance to comment on any proposal to redesign the website.*
- *Recommendation 12: We recommend that consideration should be given by the Parliament to a permanent Parliament roadshow to publicise its activities throughout Scotland. It might be similar to the stands the Parliament uses presently at voluntary sector and other conferences. Investigation could also be made of the feasibility and cost effectiveness of one or more appropriately sited High Street, 'Parliament Information Centres' which could act as focal points for the dissemination of Parliamentary information and related local activity, perhaps sharing facilities in branch libraries, job centres, or tourist information centres, in order to reduce costs.*
- *Recommendation 13: We were impressed by the efforts and achievements of the Education Service. Their activities are in great demand and the move to the new building will be an opportunity to step up the Service's level of activity. It is vital that all schools, at whatever distance from the capital, are enabled to travel readily to the Parliament and that distance is no impediment to any such engagement. We invite the SPCB to develop a strategy to ensure that all schools are enabled to access the experiences offered by the Education Service, regardless of their location in Scotland. We therefore recommend that the SPCB should increase resources to match additional demand for existing education services, and to develop further its 'outreach' activities, as part of the Parliament's external communications strategy.*
- *Recommendation 14: We recommend that the SPCB should consider how it might support and develop the 'Put it to your MSP' programme.*
- *Recommendation 15: We recommend that the SPCB should publish guidelines for responses to correspondence by the Parliament, and that the Conveners' Group should add similar guidelines in respect of committee correspondence.*
- *Recommendation 16: We recommend that this Committee, and the Equal Opportunities Committee, should review the Parliament's external communications strategy, including the language policy, in the course of the next Parliamentary session.*

These recommendations are of course matters for the Parliament itself to consider. However, we consider that the approach proposed by the Committee represents a positive and realistic

way forward. In particular, the Executive is interested in the Parliament's efforts to develop its regional presence and would be happy to discuss opportunities for joint action. The Parliament may wish to note that the Executive's Public Internet Access Point initiative is creating over 1000 internet access points in communities across Scotland (with 600 currently up and running). In addition 557 public libraries in Scotland also provide free internet access.

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

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

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

Media

- *Recommendation 17: We recommend that a Media Group should be established under the general auspices of the Presiding Officers, as a means of ensuring continuing dialogue on key issues between the Parliament and the broadcast and written media.*
- *Recommendation 18: We recommend that the Parliament's Media Relations Office (MRO) should place greater emphasis on developing links with local newspapers.*
- *Recommendation 19: We recommend that the MRO should publish the conventions for applying the code of conduct, so that members of the Parliament, the press and the public are fully aware of them. We also recommend, on the grounds of openness, that the list of those who have, or have had, regular or occasional access should be available for inspection subject to the requirements of the Data Protection Act 1998.*

- *Recommendation 20: We consider that the Parliament must take every opportunity to present itself in imaginative ways that will relate to, and serve, the people of Scotland. It needs also to challenge the media, which has a clear interest, to collaborate in that project. The purpose of developing relations in this way between the media and the Parliament is to enable the public to have as much accurate information about the Parliament as possible. We therefore recommend that the SPCB should review the level of resources available to the Media Relations Office.*

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

These are matters for the Parliament.

Local Government-Parliament covenant

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

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

Scottish Civic Forum

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

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

EQUAL OPPORTUNITIES

The Parliament as an Equal Opportunities employer

- *Recommendation 24: We note from the Framework document that, while the SPCB is not the employer of MSPs, and it cannot therefore apply its equal opportunities policy to members directly, the Members' Code of Conduct sets out consistent guidance for MSPs in their dealings in the Parliament. We recommend that MSPs should always apply equal opportunities principles in their work.*
- *Recommendation 25: We endorse the scope and the dynamic nature of the Equality Framework document, and recommend that it is constantly kept up-to-date and that its targets are assessed regularly by the Equal Opportunities Committee.*
- *Recommendation 26: We recommend the publication by the Chief Executive/Clerk of an annual equality report, and that consideration is given to debating this report in the Parliament's plenary session.*
- *Recommendation 27: We recommend that the SPCB should consider how such training can be provided in future. It appears that major and imaginative efforts are required in an area which can often appear obscure to non-experts. We suggest that equal opportunities training is offered, and taken up, by SPCB staff and MSPs alike, and we recommend that the SPCB should prepare appropriate training courses for MSPs and their staff to follow as quickly as possible after the 2003 elections.*
- *Recommendation 28: The annual staff equality audit which appears in the Framework has the potential to develop staff input to, and interest in, equal opportunities in the Parliament. We recommend that this should be reported on fully by the Chief Executive in his report to the Parliament.*

These are matters for the Parliament to consider.

Equal Opportunities in the Parliament's business

- *Recommendation 29: We therefore applaud the efforts of the Equal Opportunities Committee to promote 'mainstreaming' equal opportunities throughout the work of the Parliament, and of all of its committees. We welcome the guidelines to committees on mainstreaming, and we recommend that all committees should attach the highest priority to implementing them.*
- *Recommendation 30: We note the evidence of the Equal Opportunities Committee Convener that time constraints cause grave difficulties in giving what is, in her view, adequate consideration to legislation. Notwithstanding any benefits from changing Bill procedures and timescales, we recommend that lead Committees should take a greater responsibility for the equal opportunities aspects of the Bills before them.*
- *Recommendation 31: We recommend that the Finance and Equal Opportunities Committees should consider the creation of an equal opportunities 'expert panel' on the Scottish Budget, as suggested by the Equal Opportunities Commission.*

- *Recommendation 32: We recommend that the idea of each committee having a 'champion' for equal opportunities, as suggested by the Commission for Racial Equality, should be considered carefully by the Conveners' Group.*
- *Recommendation 33: We recommend that Committees' Annual Reports should cover any relevant equal opportunities activities undertaken in the course of the year.*
- *Recommendation 34: We recommend that there should be a thorough review of the relevant information currently made available on the Parliament's website, to ensure that people who are deaf or hard of hearing are made fully aware of the services provided by the Parliament; and that a leaflet should be produced to outline the services offered to disabled people by the Parliament in its permanent home at Holyrood. We also recommend that the local rate textphone number for the Parliament's public information office should be established.*
- *Recommendation 35: The Parliament is acutely sensitive to the range of cultures and religions in Scottish society. We recommend that the Presiding Officer should continue to reflect this diversity in his choice of speakers for 'Time for Reflection', noting that he has invited a wide range of speakers from the Buddhist, Hindu, Jewish, Muslim and Sikh communities, and small Christian Churches, as well as the Church of Scotland, the Roman Catholic Church, the Scottish Episcopal Church and interdenominational and humanist organisations.*
- *Recommendation 36: We recommend that the Equal Opportunities Committee should commission regular reports on the above and all related practices and initiatives.*

These recommendations are all matters for the Parliament.

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

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

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

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

Significant advances in equal opportunities have also been made through legislation introduced through the Scottish Parliament. The Executive and the Scottish Parliament's Equal Opportunities Committee held a joint seminar in 2002 to share understanding about

approaches to mainstreaming equality in policy and legislation and the Executive looks forward to continued close working with the Parliament in this area.

The Executive reported on its work in *Making Progress: Equality Annual Report* published in February 2003.

ACCOUNTABILITY

Accountability in the legislative process

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

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

Timetabling improvements

- *Recommendation 38: The time allowed for the passage of Bills at Stage 1 and Stage 2 needs to take account of the requirement to consult the public adequately and to consider fully the rationale for amendments. We recommend that minimum periods be agreed but with scope for longer periods to be provided.*
- *Recommendation 39: For similar reasons, and with similar qualifications for extremely complex or wide-ranging Bills, we recommend an increase in the minimum period that must elapse between the day on which Stage 1 is completed and Stage 2 starts. This could give a more realistic opportunity for Members and civil society to consider the Bill and any amendments.*
- *Recommendation 40: Equally, we recommend increasing the minimum period between the day on which Stage 2 is completed and the day on which Stage 3 starts. Such an extended period would provide members and civil society with more time to consider any outstanding issues and for any proposed amendments to be worked up.*
- *Recommendation 41: Pending the review of the legislative process recommended earlier, we would encourage the Parliamentary authorities to consider and bring forward appropriate times for minimum periods for and between the stages of Bills as soon as possible after the start of the new Session.*
- *Recommendation 42: We acknowledge that the allocation of sufficient time for Stage 1 and 3 debates is always a matter of judgement. We are concerned that debates at Stage 1 and at Stage 3 have on occasions been allocated insufficient time to accommodate the Members who have asked to speak, and we recommend that the Parliament should agree a convention that timetabling arrangements should normally be made to allow all MSPs who wish to speak*

once in a Stage 1 debate, and on a Stage 3 amendment, to do so; and, if necessary, that greater use should be made of the facility to extend debates on Wednesdays.

- *Recommendation 43: We consider that forward timetabling should attempt to anticipate requests to speak at Stage 1, so that time can be provided for all MSPs who wish to speak, and that the decisions of those responsible for timetabling can take full account of MSPs' level of interest. We recommend that a new intranet facility be created to allow MSPs to indicate in advance their desire to speak, so that adequate time can be programmed for Stage 1 debates. We anticipate that MSPs will quickly come to use the facility to bid for all speaking opportunities, and recommend that its use be accepted for all debates.*
- *Recommendation 44: Pending a full review of legislative procedures, we therefore recommend that urgent consideration should be given by the Parliamentary authorities to whether the timetable for a Stage 3 debate should be advisory only, so that the Presiding Officers can be flexible in allowing those who wish to speak on amendments, for which time has not been allocated, to do so, and to extend if necessary, the overall time required to debate all the amendments.*

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

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

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

MSPs who wish to participate in the debate but also on the nature and complexity of the issue in question. The selection of amendments at Stage 3 is of course a matter for the Presiding Officer.

Subordinate Legislation

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

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

Post-enactment legislative scrutiny

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

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

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

Sewel Convention and Sewel Motions

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

- *Recommendation 49: Given the salience of debates on Sewel motions in the first Parliamentary Session, we suggest that there is a strong case for making improvements to the Sewel motion process, pending the completion of the committee's review. We recommend that the Parliamentary authorities should consider proposals for improving the present process, including those suggested by the Scottish Executive in its memorandum - which we have included in our volume of evidence - with a view to implementing sensible improvements*

without delay. We believe, for example, that the co-ordination of the legislative process of the relevant Bill at Westminster with the Sewel process here is very important to enable full transparency of process. We also think that consideration might be given to the role of committees in considering Sewel motions, where appropriate.

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

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

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

Financial Accountability

- *Recommendation 50: We concur with the recommendations by Mike Watson, outlined in paragraph 423 above. In particular we recommend the retention of a standing budget adviser, to provide both the subject committees and the Finance Committee with the expert advice which they require.*
- *Recommendation 51: Advisors must not become a substitute for members' own developed expertise in scrutinising the budget. Such scrutiny appears to be a function basic to the job of being a member of the Scottish Parliament. We recommend that the SPCB should therefore provide appropriate budget training for MSPs to ensure that they feel equipped for this job.*
- *Recommendation 52: Scrutiny of the budget process is a central responsibility of the Parliament, and this should be reflected in all 'outreach' documents and presentations. Participation Services should consider opportunities for the public to learn about the budget and, in particular, the Parliament's role in it. We recommend that the Parliament's website should track the budget process as it moves through its stages, in as accessible and attractive a manner as possible.*

These recommendations are matters for the Parliament.

Auditor General for Scotland

- *Recommendation 53: In this context, we note Mr Black's proposal that subject committees might make use of Audit Scotland reports, and we recommend an element of work co-ordination, possibly overseen by the Audit Committee, as the committees develop a capacity for audit.*

- *Recommendation 54: The issues of value for money and of performance both lie at the heart of government and scrutiny, and we agree that there could be a case for plenary debate of major points arising from any audit 'overview'. We invite the Audit Committee to reflect on the suggestion and to bring forward appropriate proposals for such a process.*

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

Parliamentary Questions process

- *Recommendation 55: We intend later in this Session, time permitting, to consider the outstanding issues of Question Time, First Minister's Question Time and PQs concerning NDPBs and other public bodies. Should this not prove possible, we recommend that the balance of work should be pursued by our successors on this Committee in the next Parliament.*
- *Recommendation 56: We are conscious that our work to date has all been designed to improve the operation of the present PQ system, which the Parliament has largely adapted from practice at Westminster. We consider that there is a need in the medium term to review the procedures for questioning and answering, in the light of our experience to date, and including comparative work with other parliaments, to establish whether current procedures are adequate. We therefore recommend that our successors on this Committee should conduct a fundamental review of questioning and answering, given its importance to the Parliament.*
- *Recommendation 57: We suggest that experience shows possible benefits from direct contact between MSPs and civil servants in dealing with PQs and letters. In the event that an Executive official charged with drafting an answer to a PQ or letter from an MSP is unclear about any aspect of the question or letter, and is consequently uncertain about how to draft a suitable reply for the Minister's consideration, we think that it is essential that the official concerned feels able as a matter of routine to contact the MSP directly, to seek clarification. There should be no question of a reply being drafted where there is any doubt at all about the nature of the point to be addressed. We recommend that the Scottish Executive should amend the relevant guidance to civil servants to encourage direct contact in such circumstances.*
- *Recommendation 58: A related complaint is that Ministerial answers can be over-long, leading Members to feel that fewer questions are reached than would otherwise have been possible. We therefore recommend that the Parliamentary authorities should consult on, and bring forward, changes to the Standing Orders to require Ministers to offer relevant and appropriate answers to oral questions.*
- *Recommendation 59: We recommend that, when the Executive concludes that an item of news or comment is not of sufficient urgency or significance to merit announcement by Ministerial statement, such announcements should be made to Parliament by means of the daily Business Bulletin. A new section in the Bulletin would be required for this purpose. An amendment would be required to Rule 5.9 of the Standing Orders to include a new permanent category in the list of matters to be included in the Bulletin.*

Following correspondence between the First Minister and the Presiding Officer about the suggested reform of First Minister's Question Time (FMQT), the Executive is pleased that the Committee has agreed to recommend changes to Standing Orders to increase the time allowed for FMQT from 20 minutes to 30 minutes and to allow FMQT to be scheduled for a time other than immediately after Question Time. This will give back-benchers more time for spontaneous questions about topical interests and help to make FMQT more accessible for school children and members of the public. The Executive looks forward to working closely with the Procedures Committee as it takes forward its wider review of Question Time: the First Minister has already made the suggestion that thematic Question Times would be worth consideration. Discussions between the Executive and the Parliament's Research and Information Group are also taking place with a view to implementing a simple, practical and more transparent procedure for PQs to NDPBs by the end of the summer recess (recommendations 55 and 56).

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

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

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

General Debates in the Chamber

- *Recommendation 60: It would seem sensible to initiate subject debates on a trial basis, and we recommend that two trial debates of three hours each, on topical and substantive issues, are arranged for early in the next Session of the Parliament. These could then be reviewed, and, if thought successful, could be made a regular feature of Parliament's work.*
- *Recommendation 61: We made an earlier recommendation that requests to speak in Stage 1 debates should be notified electronically by means of a new intranet facility, and we recommend that the practicability of extending this arrangement to all debates, and providing feedback from the clerks, should be given careful consideration.*
- *Recommendation 62: We recommend that the Bureau should consult on the principle of adopting a convention where motions should be lodged a minimum of 4 sitting days in advance of the dates of debates, subject perhaps to the right of movers of motions to make manuscript amendments to the wording in certain circumstances. We also recommend that*

earlier deadlines, possibly a minimum of 2 sitting days, should be considered for the tabling of amendments.

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

Recommendation 61 is a matter for the Parliament.

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

Members' Business and Time in the Chamber

- *Recommendation 63: We recommend that the Bureau should consult on alternative, more transparent methods for selecting motions for Members' Business, and that the necessary changes to Standing Orders should be brought forward as early as possible in the next Session of the Parliament.*
- *Recommendation 64: We recommend the re-positioning of at least one of the Members' Business sessions during the period 14.00-17.00 on Wednesday or 09.30-17.00 on Thursday early in the next Session on a trial basis and where a motion has attracted a high level of support. The Committee would review this experience and report to the Parliament. An amendment to Rule 5.6.1(c) would be required.*
- *Recommendation 65: Thirdly, if the Parliament were to decide at some future period to increase the time for plenary business, it might give consideration to increasing the time available to Members' Business also.*
- *Recommendation 66: We recommend that our successors in the next Parliament should consider taking forward such proposals for changes to the Parliamentary week as appear to command significant support from Members.*

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

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

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

Civil Service

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

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

'Arms length' bodies

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

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

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

Modernisation of government

- *Recommendation 69: We consider that the Parliament should be an active partner in the modernising and open government process, being given the opportunity to initiate and comment on proposals in such areas as the structure, staffing and operation of the Scottish Administration and in others central to modernising government. We consider that this would be fully consistent with the principles of the Parliament, and we recommend that the Scottish Executive and the Parliament should reach agreement on how to draw the Parliament into active partnership.*

The Executive is of course always willing to consider any specific suggestions from the Committees or the Parliament on modernising or opening up the process of government. Indeed, it is open to the Parliament to scrutinise the activities of any particular area of the Executive. It is of course important to recognise that, under the terms of the Scotland Act 1998, the Scottish Administration and the Parliament are distinct statutory bodies with separate management structures. However, the Executive is currently implementing a major change programme, *Changing to Deliver*, which is designed to ensure that the organisation is ready to meet the challenges of the second term. Re-examining the way in which the Executive works in partnership with its key stakeholders is a significant part of the programme, and the Executive would welcome input from the Parliament as the programme is taken forward.

Parliamentary consideration of constitutional and governance matters

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

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

POWER SHARING

Parliamentary committees - operations

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

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

Meetings in private

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

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

Draft reports on committee inquiries

- *Recommendation 73: However, we are concerned that decisions about finalising reports in private have come to be taken automatically, and we consider, at the very least, that committees should take these decisions on a case-by-case basis, deciding to take some reports in public and some in private. We recommend that each committee should take every decision about finalising reports in privacy on the merits of the case; should guard against holding every discussion of draft reports in private; and should be prepared to finalise reports in private only where there are powerful reasons advanced for so doing.*
- *Recommendation 74: We recommend that committee draft reports on non-legislative matters should be decided by committees in public, wherever possible, and that, over time, this should become the normal practice of the Parliament.*

- *Recommendation 75: We have also considered current practice whereby MSPs are excluded from private meetings, unless they are committee members or are acting as substitutes. We consider that there are circumstances when an MSP who is not a member of a committee may have a case to attend certain private meetings, at the discretion of the committee itself. We recommend that the Standing Orders are amended to allow committees to agree to the attendance of MSPs who are neither members nor acting as substitutes, at private meetings.*
- *Recommendation 76: Rule 12.9 of the Standing Orders presently states that committees' annual reports should indicate the number of times that each committee has met in private. To aid transparency, we recommend that Rule 12.9 should be amended to ensure that all committees place on record in their annual reports the reasons for each instance when it decides to meet privately, or to take a particular agenda item in private. We also recommend that committees should record what proportion of their time has been spent in private and in public session.*
- *Recommendation 77: We consider that opening up to the public the rationale for committee choices could be helpful in allowing those competing for committee attention both to understand the pressures on committee time, and the reasons why committees make the choices they do. We therefore recommend that the committees should publish (and update) their draft forward work programmes on a regular basis, and should normally discuss these in public.*
- *Recommendation 78: We recommend therefore that committees should ordinarily discuss their lines of questioning in public, but that they will be justified in meeting in private where they consider public discussion might undermine the effectiveness of the subsequent evidence session. (para 644)*
- *Recommendation 79: However, we do recommend that substantive decisions about forward work programmes should be recorded on the Official Report (OR), as it is important that third parties are aware of committees' reasons for such decisions.*

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

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

The proposal to record substantive decisions about forward work programmes in the Official Report is a matter for the Parliament (recommendation 79).

Draft committee reports on Bills at Stage 1

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

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

Executive majorities on committees

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

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

Committee meetings outside Edinburgh

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

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

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

Changes of committee membership

- *Recommendation 83: We are aware that the Conveners' Group is actively looking at the rationale for the size of committees. We welcome this initiative, which we expect will lead to committee sizes being based on variations in their remits and anticipated workloads. We recommend that the Conveners' Group should also have regard to the potential workload implications of Committees working jointly with the Executive on legislative proposals, inquiries and consultations.*
- *Recommendation 84: At present the published arrangements for committee membership (Rule 6.3) and for conveners of committees (Rule 2.1) are extremely general. We consider that, in the interests of transparency, it would be most desirable were there to be more information about the considerations which guide the Bureau in arriving at the proposals for motions on these matters. We recommend that such information is brought into the public domain and made accessible.*

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

Recommendation 84 is a matter for the Parliamentary Bureau.

Non-Executive Bills

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

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

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

Other operational committee matters

- *Recommendation 86: We consider that academic expertise is often useful to committees, but that it is clearly not their only potential source of advice and expertise. We recommend*

that committees should seek breadth and variety of expertise when engaging advisers and that guidelines on the selection of advisers should be published.

- *Recommendation 87: We recommend that the Conveners' Group and individual committees should consider establishing 'citizens' forums' or 'expert panels' as appropriate, and on a case-by-case basis.*
- *Recommendation 88: We recommend that committees should be as flexible as possible in the consultation techniques, and venues, used for exchanges with the public, and we commend several examples we heard of good practice in these respects.*
- *Recommendation 89: We consider an accessibility report to be a useful idea, and recommend that, from 2004, committees should include specific paragraphs on civic participation in their annual reports.*
- *Recommendation 90: In practice committees' annual reports tend to be very brief. We invite the Conveners' Group to consider whether these brief reports convey adequately the considerable work which committees undertake annually and whether committees should be encouraged to use these reports more expansively for reflection and forward looking, in addition to summarising the past year.*

Recommendation 86 is a matter for the Parliament.

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

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

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

Recommendations 89 and 90 are matters for the Parliament.

Parliamentary Bureau

- *Recommendation 91: We accept that some Bureau discussion might be sensitive, that it might be commercially or personally confidential, and that legitimate reasons might exist for taking such discussion in private. However, for the reasons given above, we do not consider it justifiable that the Bureau should meet invariably in private, and we recommend that Standing Orders Rule 5.2.2 should be amended to give the Bureau itself the right to determine whether and when it should meet in private.*
- *Recommendation 92: We recommend further that the Bureau should consider, and report to the Parliament, how it could make its operation more transparent (including publishing agendas and more detailed records of decisions taken, the opening up of meetings to MSPs and, in certain circumstances, the holding of meetings partly in public).*
- *Recommendation 93: We do not dismiss the concerns which were expressed, however, and we recommend that the Bureau should respond to backbench concerns by opening a new means of dialogue. We recommend that the Bureau should hold such meetings as may prove to be useful with such backbenchers as wish to meet with it, both as early as possible in the new Parliament, and as regularly thereafter as there appears to be relevant matters to discuss.*
- *Recommendation 94: We recommend that a Parliamentary outline business programme is drawn up, and noted by the Parliament as an early item of business after the summer recess. It should indicate provisional time allocations for Executive, non-Executive Party, Committee, and all other identifiable Parliamentary business in the Chamber. The indicative programme should be regularly revised by the Bureau as the programme is developed in detail, with a major input from the Conveners' Group on behalf of committees.*
- *Recommendation 95: This work is likely to involve a great deal of effort by Parliamentary staff and the main contributors to the programme. It would require to be carefully planned and some extra resources may be required. We recommend that a detailed implementation plan for consideration is drawn up in due course by the Bureau, including any proposals for changes to the Standing Orders (Rule 5), to implement the proposals for a programme set out above by the start of, say, the Parliamentary year 2004 - 2005.*
- *Recommendation 96: We recommend that a Bureau agenda is published in the Business Bulletin two working days prior to the meeting, with any late items posted on the Parliament's web site.*
- *Recommendation 97: The Presiding Officer has taken the view that his casting vote (Rule 5.3.1) is virtually redundant in present circumstances. However improbable, it is possible that the balance of parties in a future Parliament could produce a tied vote under the block vote mechanism, and we therefore recommend that provision for the Presiding Officer's casting vote should be retained in the Standing Orders.*
- *Recommendation 98: We have no proposal for an alternative name for the Parliamentary Bureau, and we recommend that the Bureau itself should consult, and*

recommend a proposal to our successors in the next Parliament with proposals to re-name the Bureau (including the suggestion of Business Committee as proposed by the CSG, with appropriate changes to the Standing Orders (Rule 5)).

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

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

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

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

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

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

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

Recommendations 98 and 99 are matters for the Parliament.

Scottish Parliamentary Corporate Body

- *Recommendation 100: We recommend that the SPCB should consider whether it should make its work more transparent, in the interests of greater accountability; in particular, that it should consider how to make itself more accountable to other MSPs, and to draw them into its decision-making processes; and that it should consider the implications of conducting some of its business in public.*
- *Recommendation 101: We recommend that, in its review of corporate governance, the SPCB should consider whether the number of SPCB posts allows its members to discharge the broad extent of its current responsibilities and of any changed role which SPCB members may have as a result of the review, in developing SPCB policy and monitoring the work of the Parliament's directorates.*
- *Recommendation 102: Finally, we wonder if the title of the SPCB was as transparent as the importance of its functions warranted. While the body's title is set in the 1998 Act, we consider that the SPCB might wish to consider whether an alternative title could assist in the overall transparency of its operations.*

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

Conveners' Group

- *Recommendation 103: We recommend that the Conveners' Group should consider whether there is a case for increased transparency in its work. We have suggested that other Parliamentary bodies should consider publishing agendas in advance of meetings, those papers which do not deal with matters which are genuinely confidential, and minutes of decisions and reports on their activities. We recommend that the Conveners' Group should also consider whether it should open its business to other MSPs, or in other ways account for its decisions to MSPs generally, or through Conveners to their committees, and whether its meetings should be held in public or in private.*
- *Recommendation 104: We recommend that the Scottish Executive should review the position it took when this committee raised this matter with the then Minister for the Parliament on 30 October 2001, and should consider proposals for regular question sessions between the Conveners' Group and the First Minister in the context of the review of Question Time and First Minister's Question Time referred to in paragraph 457 of this report.*

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

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

Issues raised by the Presiding Officer

- *Recommendation 105: Any changes to the names of institutions would require a change to the Scotland Act 1998. This need not however prevent the Parliament itself from taking a view, and we recommend that the Scottish Executive should research this matter carefully, and report to the Parliament on whether or how to re-name itself in a manner which will clarify the differences between the Executive and the Parliament; the two parts of the Scottish Administration (i.e. Ministers and the civil service); and the Scottish Executive (the Government in Scotland) and the UK Government.*
- *Recommendation 106: We believe that the time is ripe for the Parliament to take control of its own proceedings, and we recommend that the Scottish Executive should invite the UK Government to investigate methods by which this might be accomplished and that our successor Committee should request an issues paper on progress on this issue in due course.*

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

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

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

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

The role of MSPs

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

- *Recommendation 108: We recommend that existing guidance should be reviewed by the Parliamentary authorities, and extended to clarify the various roles of MSPs, and that consideration should be given to how any guidance agreed could be disseminated widely outside the Parliament.*
- *Recommendation 109: The importance of recognising the interests of backbenchers has been raised in evidence from the SPCB. We discussed this at length, including the practicalities of a Backbench Group and backbench representation on key Parliamentary bodies, but arrived at no consensus. We were however keenly aware of the importance of the issue and, as a first step, we recommend that the Presiding Officer should take steps to ascertain the views of backbenchers. We recommend that this should be done quickly.*
- *Recommendation 110: We do not make definitive proposals for the frequency, purpose and composition of regional meetings, but we do recommend the principle of local meetings. We also recommend that the SPCB should consider how it could facilitate and resource such meetings, in order that MSPs are able to develop the principle into practice where a local demand exists.*

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

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

Public petitions

- *Recommendation 111: We recommend that the Public Petitions Committee (PPC) - as the lead body in the Parliament for developing and processing petitions - should publish a development plan to extend the use of the petitions system in a measured, realistic and effective way. Access to such a plan should be made available to the public and comments sought on a continuing basis. The plan should be updated as 'milestones' are passed.*
- *Recommendation 112: We recommend that high priority should be attached to ensuring that all electronic arrangements for petitions are housed on the Parliament's own website; and that the numbers of petitions submitted electronically should be quantified and monitored by the PPC.*
- *Recommendation 113: We consider that it is very important for the subject committees to continue to deploy their specialist expertise in considering petitions, and to allocate sufficient time in their programmes to do so. If their role were to diminish or disappear, the key link between petitions and other work of subject committees would be broken, to the probable detriment of both committees and petitioners. We therefore recommend strongly that the 'mainstreaming' of petitions in the Parliament should be maintained.*
- *Recommendation 114: We recommend that the PPC and the subject committees, through the Conveners' Group, should reach agreement for the PPC to undertake more inquiries itself, and bring forward proposals for any changes to the Standing Orders (Rule 6.10 and Rules 15.4, 5, 6) which may be required.*

- *Recommendation 115: We recommend, in the interests of transparency, that Rule 15.6 should be amended to make explicit the 'joint ownership' of petitions, between the PPC and subject committees. We are aware of considerable progress made in this area through the Conveners' Group, and we invite the Group to agree with the Petitions Committee an appropriate formula for revised Standing Orders.*
- *Recommendation 116: We recommend that, where a subject committee is discussing a petition, the petitioner should invariably be notified and invited to all of the relevant sessions, and should be invited to make a brief oral contribution on the record as a witness, at an appropriate stage in the consideration of the petition. We suggest that this would add only a little to the length of subject committees' proceedings.*
- *Recommendation 117: Petitions can on occasion take a considerable time to bring to conclusion. We consider it is of particular importance that petitioners whose petitions are likely to take a greater than average time to deal with should be kept in touch with progress periodically by the PPC. We recommend as a matter of routine that petitioners receive regular feedback from the clerking team supporting the PPC on the progress of their petition, and that standards of feedback are developed and published so that petitioners will know the level of service to which they are entitled.*
- *Recommendation 118: As there seemed to be confusion on the part of some petitioners, we recommend that the PPC should amend its guidance leaflet to ensure that potential petitioners are aware of their freedom to submit a second petition; and also should expand the leaflet to explain the process of referring a petition on to another Parliamentary committee, and what that might entail. We recommend that the guidance leaflet should be translated and made available in the languages used by significant ethnic groups in Scotland.*
- *Recommendation 119: We recognise that the PPC does not have the power to enforce its decisions or those of any other committee. We do believe, however, that the reports and recommendations of a committee of the Parliament can carry considerable moral authority, and we recommend that the PPC should follow up the outcome of such recommendations as it might make, as this action may encourage the recipient of the petition to act on its recommendations.*
- *Recommendation 120: We recommend that each subject committee should report on its petitions activity in its Annual Report, and that Rule 12.9 of the Standing Orders should be amended to place this requirement on all subject committees.*
- *Recommendation 121: We recommend that the PPC should publish annually a report on progress on petitions, and that consideration should be given to whether the PPC's report has identified issues which should be debated in committee time in the Chamber; and that a proposal for changes to Standing Orders to give effect to this recommendation should be brought forward in due course.*
- *Recommendation 122: We recommend that a range of techniques could be considered [to publicise petitioning], such as more PPC meetings outside Edinburgh, media publicity, using former petitioners as a resource to publicise the system, the use by PPC members of other civic participation events, and informal meetings convened by PPC members around Scotland.*

- *Recommendation 123: We were advised that resources available to the PPC are insufficient for the present scope of operations. It is not part of this inquiry's remit to discuss the detail of resources available to other committees, but we are conscious of resource constraints on expanding the current service to any significant degree. We recommend that the SPCB should make additional resources available to ensure that the PPC is able to carry out the additional work which is likely to be generated by the recommendations set out in the foregoing paragraphs.*
- *Recommendation 124: We recommend that the PPC should conduct a review of the way these new arrangements have worked at an appropriate point, perhaps 3 years after the creation of any Petitions Development Plan.*

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

Consultation, pre-legislative scrutiny and the development of policy

- *Recommendation 125: We recommend that no initial consultation by any Parliamentary committee or body on any non-legislative matter should normally contain a deadline for responses of fewer than eight weeks. Where it proves impossible to meet this target, the committee or body should provide a clear explanation for this in the consultation document.*
- *Recommendation 126: We recommend that, where a second or subsequent consultation on substantially the same subject is issued, the deadline for this should normally be four weeks.*
- *Recommendation 127: We consider that it is very important for those being consulted to understand at what stage of the policy process a consultation is taking place. This will enable them to 'pitch' their contribution appropriately - if they choose to contribute. It will also enable them to gauge more accurately the impact on policy which any contribution of theirs might have. We recommend that the Executive and the Parliament, whenever they initiate consultation, should invariably make the policy position clear in the consultation documentation, so that those responding to the consultation are entirely clear about what decisions they might be able to influence.*
- *Recommendation 128: We recommend that the Executive should go further in developing the Task Force concept, encouraging them, where appropriate, to invite participation by MSPs, including members of non-Executive parties (although we recognise that there would be circumstances where such parties would not wish to participate, where they felt that they would be likely to be critical of the thrust of the legislation, or withdraw where they felt that they could not support the emerging recommendations). We consider that developing participation along these lines would build cross-party support for the recommendations of Task Forces, and develop means of co-operation in policy development which do not compromise MSPs' essential political identities.*
- *Recommendation 129: We applaud the introduction of such innovative consultation practices, and recognise that it might be used to cast the net of participants in policy creation*

more widely. We recommend that the Executive should develop this co-operative means of policy creation as a priority.

- *Recommendation 130:* There may be scope for the Executive and the Parliament to discuss co-operative working here. If there were to be a system of pre-notification by the Executive to the Parliament of consultations on legislative proposals and work programmes in general, and an earlier identification of lead committees (all assisted, perhaps, by the earlier suggestion of an annual Parliamentary outline business programme), it may be possible to devise a single consultation exercise, to the benefit of consultees, by enabling a longer response deadline, and to those consulting, by streamlining existing practices. We recommend that the Executive and the Parliament should consider the possibilities for so streamlining their consultation processes.
- *Recommendation 131:* More generally, we think it will be very important to the continued drive for co-operative government between the Executive and the Parliament and the development of better government, for the work plans of the Executive and the Parliament, to be co-ordinated where possible in order to ensure that the opportunities for consensus working across all areas of government, policy and legislation, are identified. We recommend that the Scottish Executive and the Parliamentary authorities should discuss how this might be taken forward.

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

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

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

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

The Executive is fully committed to open and inclusive consultation and would be willing to consider options for streamlining consultation processes through co-operation with the Parliament (recommendation 130).

The Executive would be happy to consider with the Parliamentary authorities whether there are opportunities for the Executive and the Parliament to work together more effectively (recommendation 131).

FUTURE ACTIVITY: SELF ASSESSMENT AND MONITORING

- *Recommendation 132: We recommend that our successors on this committee should not attempt a full annual review of the application of the CSG principles. Instead, they should consider whether the principles remain valid, or require refinement, and they should review particular aspects of their application, with a view to producing shorter and more focussed reports. Any such reports should be considered for debate in the Parliament.*
- *Recommendation 133: We have considered suggestions that the review of the application of the CSG principles should be undertaken by an outside body, such as the Scottish Civic Forum. While we would welcome any work by outside bodies to contribute to the Committee's regular reviews of the application of the principles, we recommend that the process of reviewing the application and development of the key principles should remain the business of the Parliament, and should be considered the responsibility of this Committee.*
- *Recommendation 134: In addition, therefore, to the valuable, traditional methods of gathering evidence through written memoranda, witness sessions and public meetings, we recommend that our successors on this Committee should establish a regular convention or Chamber event, along the lines of those held by some other committees. Such events should be open principally to participants from outside the Parliament, but should include MSPs and their staff and Parliamentary staff, and the proceedings of such civic participation events should inform the reports of the Committee.*
- *Recommendation 135: The CSG principles have already been adopted, and adapted, by the Parliament, and we are certain that they will evolve significantly in the future. We therefore recommend that the four principles:*
 - *the Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation*
 - *the Scottish Parliament in its operations and its appointments should recognise the need to promote equal opportunities for all*
 - *the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and the Executive should be accountable to the people of Scotland*
 - *the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive should be known and understood as the Parliament's principles, and that our successors on this Committee should review them on that basis.*

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

The Executive congratulates the Procedures Committee on the detailed and thorough inquiry it has carried out into the operation of the founding principles, and looks forward to working

constructively with the Committee and the Parliament as a whole as it pursues the various further areas of work it has identified for action in the new session.

Scottish Executive
August 2003