



The Scottish Parliament
Pàrlamaid na h-Alba



**Presiding Officer's
Advisory Group
Report on Parliamentary Reform**

March 2019

Buidheann-chomhairleachaidh
an Oifigeir Riaghlaidh
Aithisg air Ath-leasachadh Pàrlamaideach

Am Màrt 2019

Contents

Foreword	2
Facal Toisich	3
Engaging the people of Scotland	5
Parliamentary business in the Chamber.....	14
Parliamentary business in Committees	22
Legislation	29
Diversity	35
Parliament's long-term future	40
Conclusion	45
Annex 1: Presiding Officer's Advisory Group	46
Annex 2: Our Approach to Engagement.....	47
Annex 3: Summary of Recommendations and Actions	48

Foreword

I am pleased to present a report that marks the formal closure of the Scottish Parliament's response to the Commission on Parliamentary Reform's recommendations. This draws a line under the Commission's work, and it emphasises the importance all of us continue to place on the Scottish Parliament's role at the heart of our country's public life.



Devolution in 1999 heralded a new era in Scottish politics and raised expectations about how Parliament could and should reflect the views of the people. It is as essential as ever that we live up to our founding principles and continue to put into practice our commitment to openness, the promotion of equality and the sharing of power. I do not therefore see this as the end of a journey. We must continue to review and improve our procedures, policies and practices, drawing inspiration from the themes in the Commission's report.

Looking back to the establishment of the Commission, I wanted to assess how the Parliament has responded to developments as we approach our 20th anniversary and, more importantly, to examine how well the Parliament was placed to deal effectively with the enhanced responsibilities of further devolution. It was important to me that the Commission membership had a balance in favour of people that had an external perspective of Holyrood.

The Commission achieved a tremendous amount in a short period of time, holding 12 formal meetings with 55 witnesses and attending more than 50 events across Scotland and meeting more than 1,200 people in the process. Chaired by John McCormick, the Commission presented its report in June 2017 when all political party leaders represented in the Parliament joined me to welcome and give broad support to its recommendations.

It is against that background that the first recommendation of the Commission to be implemented was the establishment of the Presiding Officer's Advisory Group to oversee the delivery of the other 74 recommendations [R73]. Since then, the Parliamentary Bureau, the Scottish Parliamentary Corporate Body, the Conveners Group, and the Standards, Procedures and Public Appointments Committee, as well as various internal boards and groups of parliamentary staff, have been working their way through the recommendations. I am delighted with the progress made and grateful to all those involved in supporting and working to achieve reform.

From First Minister's questions to the standing of our Committees, these reforms are already making a difference. This is our report setting out how the Commission's recommendations have been implemented.

Rt Hon Ken Macintosh MSP

Presiding Officer

Facal Toisich

Tha mi toilichte aithisg a thoirt a-mach a tha a' comharradh dùnadh foirmeil freagairt Pàrlamaid na h-Alba ri molaidhean a' Choimisein air Ath-leasachadh Pàrlamaideach. Tha seo a' tarraing loidhne fo obair a' Choimisein agus a' sealltainn cho cudromach 's a tha e dhuinn uile Pàrlamaid na h-Alba a chumail ann an teas meadhan beatha poblach ar dùthcha.



Le tiomnadh cumhachd ann an 1999, thòisich linn ùr ann am poileataics na h-Alba agus bha daoine a' sùileachadh tòrr a thaobh mar a b' urrainn, agus mar bu chòir, dhan phàrlamaid beachdan an t-sluaigh a riochdachadh. Tha e cho riatanach a-nis 's a bha e riamh gu bheil sinn a' leantainn nam prionnsabalan bunaiteach againn agus a' cumail oirnn le bhith a' cur an gnìomh ar dealasachd a thaobh fosgarrachd, co-ionannachd agus co-roinn cumhachd. Mar sin chan eil mi a' faicinn seo mar deireadh an turais idir. Feumaidh sinn cumail oirnn le bhith a' sgrùdadh agus a' leasachadh ar modhan-obrach, poileasaidhean agus cleachdaidhean, a' faighinn brosnachadh bho na beachdan ann an aithisg a' Choimisein.

A' coimhead air ais air stèidheachadh a' Choimisein, bha mi airson measadh ciamar a tha a' Phàrlamaid air dèiligeadh ri tachartasan agus atharrachaidhean agus sinn a' dlùthachadh air ar cuimhneachan 20 bliadhna agus, nas cudromaiche, measadh mar a bha a' Phàrlamaid uidheamaichte gus dèiligeadh gu h-èifeachdach ris a' mheudachadh dleastanais a thàinig an lùib barrachd tiomnadh cumhachd. Bha e cudromach dhomhsa gu robh sealladh bhon taobh a-muigh air obair Thaigh an Ròid aig a' mhòr-chuid de bhallrachd a' Choimisein.

Choilean an Coimisean tòrr mòr ann an ùine ghoirid, a' cumail 12 coinneamhan foirmeil le 55 luchd-fianais agus a' frithealadh còrr is 50 tachartas air feadh na h-Alba agus, le bhith a' dèanamh sin, a' coinneachadh ri còrr is 1,200 neach. Le Iain MacCarraig anns a' chathair, dh'fhoillsich iad aithisg san Ògmhios 2017 nuair a thàinig a h-uile ceannard pàrtaidh a bha air a riochdachadh sa Phàrlamaid còmhla rium fhìn gus fàilte, agus taic san fharsaingeachd, a thoirt do mholaidhean a' Choimisein.

B' ann air an stèidh sin a chaidh ciad mholadh a' Choimisein a chur an sàs airson Buidheann Comhairleachaidh an Oifigeir Riaghlaidh a stèidheachadh gus libhrigeadh 74 molaidhean eile a' Choimisein [R73] a stiùireadh. Bhon uair sin tha Biùro na Pàrlamaid, Buidheann Chorporra Pàrlamaid na h-Alba, Buidheann an Luchd-gairm, agus a' Chomataidh Inbhean, Dòighean-obrach agus Cur-an-Dreuchd Poblach, a thuilleadh air diofar bhùird is bhuidhnean, air a bhith ag obair tro na molaidhean. Tha mi air leth toilichte leis an adhartas a chaidh a dhèanamh agus tha mi taingeil don a h-uile duine a thug taic seachad agus a bha ag obair gus ath-leasachadh a choileanadh.

Bho Cheistean a' Phrìomh Mhinisteir gu seasamh nan Comataidhean againn, tha na h-ath-leasachaidhean seo a' dèanamh eadar-dhealachadh mar-thà. Is e seo an aithisg againn a' mìneachadh mar a chaidh molaidhean a' Choimisein a chur an gnìomh.

Am Fìor Urramach Ken Mac an Tòisich BPA

Oifigear Riaghlaidh

**Engaging the people
of Scotland**

Com-pàirteachadh
le muinntir na h-Alba



Engaging the people of Scotland

The thrust of the Commission recommendations on engagement was to bring about a “step change in engagement to put committees in a better position to embrace the opportunities to improve scrutiny that more dynamic, innovative and targeted engagement can bring”.

The Parliament’s approach has been straightforward: it has accepted the Commission recommendations in full. Indeed, they chimed with the change in strategic direction on engagement that was already under way to improve people’s awareness of the Parliament and enable their effective participation in what it does.

Highlights

Our relationship with the wider society we serve is firmly at the heart of the reform agenda. A new Committee Engagement Unit is busy helping Committees attract a wider, more diverse set of views, by using new techniques, emerging technologies and helping them to get out and about more.

Your Parliament, now a five-star visitor attraction, is also welcoming more people on its tours and at its events, including our Festival of Politics which gets bigger and better every year.

Parliament continues to respond to the changing needs of citizens across Scotland, engaging with different audiences through social media, using Twitter, Facebook, and Instagram, and our new popular podcast channel. Building on our relationships with the Scottish Youth Parliament, our work across schools, and the Young Women Lead project, we’re giving young people more direct opportunities to influence our work.

Implementation

The Scottish Parliamentary Corporate Body [SPCB] agreed that the best way to implement the recommendations was through integrating them into the Parliament’s [Public Engagement Strategy](#).

Accordingly, this chapter uses the framework of the two central aims of the Public Engagement Strategy to chart progress: improved awareness of the relevance and accessibility of the Parliament, and effective public participation in the work of the Parliament.

Importantly, this approach also highlights improvements and innovations in areas that the Commission did not comment on specifically but which the Parliament considers are illustrative of how it is delivering on the Commission’s ambition.

Further information about the Parliament’s approach to engagement is captured in Annex 2.

Improved awareness

The first aim of the Parliament's strategy – "Improved awareness of the relevance and accessibility of the Parliament, particularly in under-represented groups" – simply reflects that decisions taken at Holyrood affect everyone in Scotland. It is important that the people of Scotland know how, and why, these decisions are made, and how they can get involved.

Informing the public

Knowing a little about how the Parliament works can mean a lot, particularly to groups currently under-represented within Parliament. The Commission called on the Parliament to provide greater and easier access to information about the Parliament in a variety of formats. Its progress is set out in four areas:

- Better information in local communities
- Informing the public through digital engagement
- Informing the public through the media
- Informing the public at Holyrood.

Better information in local communities

During the Commission's work around Scotland, there were repeated requests from participants about the need for up-to-date information about who represents them and the issues they could speak to their MSPs about. The Commission accordingly recommended that the Parliament should provide greater and easier access to information in a variety of formats [R32].

In response, the Parliament's Public Information and Resources [PIR] office has been reaching out to communities through local and specialist library networks and engaging with Members' local offices to make sure that information on their representatives and responsibilities is freely available to members of the public. The PIR office provides contact details and photographs for MSPs in each area, through leaflets and posters, together with leaflets that explain the different layers of Parliament and Government.

To date, in total, more than 45,000 copies of publications have been distributed to around 600 locations, from the Shetland Islands to the Borders and from Peterhead to Arran. Libraries in every area have been keen to distribute the information: all public library services in our eight parliamentary regions have been supplied with informative leaflets; many have also taken posters showing all the local MSPs. College, university and specialist libraries, student unions and MSP offices have also been offered this material.

Informing the public through digital engagement

The Commission also noted the growth of digital engagement where the now widespread use of online and social media has contributed to a rapid evolution in the ways people can discuss, deliberate and engage on the issues that matter to them. Among its recommendations, it suggested that the Parliament should review its digital communication strategy [R65].

The Parliament has 87,000 followers on Twitter, 83% of whom live in Scotland. In terms of gender, our 30,000 followers across Facebook and Instagram are split fairly evenly with 47% of followers women and 51% men. Most people who regularly engage with the Parliament via these channels are based in Edinburgh. Whilst it reaches people of all ages through these channels, it has an older audience generally on Facebook, whilst on Instagram 57% of its audience is under 34.

The Parliament's Facebook Live presence regularly puts the Parliament in the newsfeeds of anywhere between 5,000 and 150,000 Facebook users, facilitating group discussion from viewers that can number in the thousands of comments and reactions. As well as exposing the audience to issues that might be otherwise buried, it also allows users a voice.

The Parliament's Web and Social Media Team launched a podcast channel in 2018, providing content for an audience underserved by Scottish parliamentary material. In 2018, it had 14,500 downloads of its podcasts.

The Commission noted the review of the Parliament's web channels and made specific mention of the need to modernise the language the Parliament uses to make it easier to understand [R68]. This is one of the key objectives for the new website, of which a beta version will be launched in 2019. A content strategy is in development to underpin this, which places accessibility and use of plain English at its heart. By taking a user-centred approach, the project ensures that the website users are informing and testing the new site throughout its build.

The key digital trend of recent years in terms of how people want to consume information has been the shift to video. Several of the Parliament's offices have worked together to develop a range of digital products (including video, animations and email bulletins) to explain parliamentary processes, such as how bills become laws.

[Informing the public through the media](#)

In response to the Commission's recommendation that the Parliament improve and provide greater flexibility in the facilities for the media [R34], the Parliament's Media Relations Office consulted Holyrood-based print and broadcast journalists for their views.

Feedback reflected that more discretion to allow on-camera interviews with Committee witnesses and other individuals engaging in parliamentary business was the main priority for media outlets.

In response to this, and in light of the Commission recommendation, the SPCB formally agreed in March 2018 to amend its media policy. The updated policy now allows greater flexibility for interviews with those participating in parliamentary business to take place at Holyrood with the presumed locations for such interviews being the Main Hall and outside Committee rooms. This increased flexibility has already been used a number of times and has been welcomed.

The spirit of the Commission's call for greater flexibility in working with the media was further embraced in October 2018, when the BBC's flagship current affairs

programme, *Question Time*, was granted permission by the Presiding Officer to broadcast from the floor of Holyrood's debating Chamber for the first time, during the 2018 Festival of Politics.

In recognition of its importance, the Commission also recommended that, as part of its media protocol, the Parliament should agree with the Government and the media a clear understanding of the terminology to be used when referring to Parliament and Government [R35].

The Presiding Officer and Clerk/Chief Executive continue to engage with newspaper editors and broadcast heads of news on a regular basis throughout the year. Explaining and differentiating the roles of Parliament and Government is a regular topic, both in terms of how the Parliament seeks to address this through public engagement and how the media can support this through clear reporting.

The Parliament also proactively develops and promotes explainer content, primarily via its online channels, to make clear to our followers the difference between the Parliament and Government, and we will continue to do so.

[Informing the public at Holyrood](#)

The final element of informing the public relates to the services the Parliament provides to visitors at Holyrood.

In autumn 2018, the Parliament building was awarded five-star visitor attraction status from VisitScotland. This was in recognition of the overall visitor experience, including the free guided tours that explain the role of Parliament and key parliamentary processes. This accreditation, supported by a sustained marketing campaign, should ensure that more people know that the Parliament is open to everyone, how they can find out about the work of the Parliament and how to participate in parliamentary business.

During this parliamentary session, there has been a marked shift in the nature of Chamber events at Holyrood, with many more led by parliamentary Committees and having stronger links with parliamentary business, including the Festival of Politics and debating championships. For example, in December 2018, the Equalities and Human Rights Committee held a conference in the Chamber to mark the 70th anniversary of the UN's adoption of the Universal Declaration of Human Rights.

The Parliament has also taken active steps to attract a more diverse audience to Holyrood, and various initiatives will be launched as part of the celebration of the Parliament's 20th anniversary in 2019.

[Engagement with young people](#)

Each year, 22,000 pupils participate in the Parliament's education programme. Some visit the Parliament, have a tour of the building and meet their elected representations; some are visited by the Parliament in their school. All the information about the Parliament is delivered in an interactive and engaging format, and develops skills in political literacy through the debates in our sessions.

Innovations in education and outreach services

Noting the success of the Parliament's outreach work, the Commission recommended that the Parliament should empower those already engaged to become advocates for the Parliament in their local communities [R31].

Within the education services of the Parliament, work was initiated to seek feedback from pupils for the first time. This programme has been designed to enable pupil voices to be heard in the decisions on what is taught and how it is taught. Feedback from eight primary schools will have been received by the end of January 2019, and this is already feeding into emerging ideas for changes. Initial responses indicate pupils would like a resource box to support those who learn best through experiences.

This wider perspective on young people has been echoed in the programme of work that the Presiding Officer undertook to listen to young people in his programme of visits. A panel of four young people selected a visit in each of the eight parliamentary regions for the Presiding Officer to undertake where young people could communicate to him those things that have inspired them and supported their resilience. The learning from this process is now being applied to the Parliament's thinking for its 20th anniversary year activities to showcase how the Parliament makes a positive difference to the lives of the people of Scotland.

Working with the education sector

The Commission recommended that the Parliament should work with the education sector and others to explore how education about the role and purpose of the Parliament can be enhanced in primary and secondary schools [R33].

In response, the Parliament's Education team has committed to a continuous improvement approach to ensure it is aligned with the curriculum and best classroom practice. To this end, the team is seeking to establish sustainable relationships with schools, education providers, education policymakers and youth workers. This will ensure that the Parliament is able to learn across sectors and create new opportunities through shared learning and resources.

For example, the Education team has been working with the Modern Studies Association to trial a new online learning resource, which includes a quiz that pupils can use with friends and families to encourage the advocacy role recommended in the Commission report. It is also developing its delivery outside of the Modern Studies curriculum, creating a new module for media studies students and planning to develop maths and photography-based curriculum materials as well.

The Education team has also begun to use live Committee business in its work with high schools. For example, during autumn 2018 a new format of engagement was trialled using the consultation on the Age of Criminal Responsibility (Scotland) Bill. This proved immensely popular, with the Equalities and Human Rights Committee receiving more than 1,000 views from personal and social education pupils across Scotland.

Perhaps most innovative of all, the team is seeking to work with partners to develop a political literacy skills learning hub, based on Education Scotland requirements. As

a skills-based hub, it will also support wider engagement outside of the formal education environment.

Increasing the influence of young people

The Commission noted the value of the work of the Scottish Youth Parliament [SYP] and the opportunities for the Parliament to facilitate closer links and broaden the range of youth voices informing parliamentary scrutiny [R71, R72].

The Scottish Parliament is committed to exploring new ways of building the capacity of young people to influence the Parliament and innovating with a range of partners on how that can be achieved.

For example, Young Scot is working with the Parliament on a project to develop the pupil feedback about resource boxes into wider engagement activities that can be delivered in schools and in communities. This will help the Parliament support voter engagement in the run-up to the 2021 election. In the meantime, work has continued to empower young women to have their voices heard through the Young Women Lead project with YWCA Scotland. More information on this project is provided under the section on the Committee Engagement Unit below.

The Presiding Officer was also very pleased to help take forward the recommendation on establishing closer links with the Scottish Youth Parliament. Sitting alongside Suki Wan MSYP, the Chair of the Youth Parliament, the Presiding Officer signed a document signalling their support for joint actions to promote greater collaboration between the two institutions. Staff are now sharing expertise, supporting training and working together on bringing youth voices into Committee consultations.

Parliament staff now attend every SYP sitting, and plans are already under way for the 2020 SYP sitting at the Scottish Parliament.

Partnership working with local government

The Commission also separately noted the importance of local government and its relationship with the Parliament. In particular, it recommended that the Parliament should work with the Convention of Scottish Local Authorities [COSLA] and any council not in COSLA to agree a protocol recognising its distinctive role in local democracy [R70]. Initial discussions have taken place on the expectations of both COSLA and the Parliament as to how this should be taken forward, and these discussions are continuing.

Effective public participation

The second aim of the Parliament's Public Engagement Strategy – "Effective public participation in the work of the Parliament" – is a clear signal of the importance that the SPCB attaches to issues-based engagement, principally through the work of Committees.

Committees have been central to the founding vision of a power-sharing and participative Parliament since its establishment, and issues-based engagement involves Committees focusing their engagement work on the issues that matter to

the public. “Lived experience” can be a very powerful tool for Committees in their scrutiny work.

There have been many successes where engagement with the public has clearly shaped Committee thinking. Examples include the work of the Welfare Reform Committee, the passage of the British Sign Language (Scotland) Act 2015 in the last parliamentary session, and the current Education and Skills Committee’s work on teacher workforce planning.

The Commission rightly challenged the Parliament to take this further: to engage more consistently, visibly and creatively with those who are remote from the Parliament, whether because of geography, time, language, culture or accessibility; and to explore new methods and tools to help us engage meaningfully with people where and how they want [R6, R7, R63, R64, R65, R66, R67].

Establishment of Committee Engagement Unit

The Commission recognised that additional, focused resources can make change easier to achieve, and it therefore recommended the establishment of a Committee Engagement Unit [R62]. This is one of the most significant of the Commission’s recommendations, requiring not just the support and commitment of MSPs from across the Parliament, but the approval of funding to back this up. The SPCB was pleased to provide that funding, and in summer 2018 the Parliament put in place a Committee Engagement Unit [CEU] made up of five staff – including experienced members from the Parliament’s clerking and outreach teams and participation experts from third-sector organisations.

The CEU’s three aims are:

- Increase effective public participation in the work of Committees to improve the quality of scrutiny for the benefit of the people of Scotland
- Help design engagement which lets people engage with their Parliament how and when they want
- Support Scottish parliamentary service staff to try new engagement methods and improve their engagement practice.

The CEU’s plans for the rest of this session can be summed up as innovating, improving, and co-designing with under-represented groups:

Innovating

The CEU will design and test new engagement methods and evaluate them to see what benefit they add to Committee scrutiny. This will include looking at who participates, whether participants found the experience positive, and the value to Committee Members of the evidence gathered.

New methods are being explored in three main areas:

- Digital tools: the CEU has supported a Public Petitions Committee inquiry into young people’s access to mental health support. The tool used – Dialog – attracted a high level of engagement from young people and of those who

responded to a request for feedback, and 92% agreed it provided a good way to get involved in the work of the Parliament.

- Mini-publics: the CEU is working with the Environment, Climate Change and Land Reform Committee and the Health and Sport Committee to put together mini-publics on topics of interest to the Committees.
- Pop-ups: the CEU is developing ways of contacting people in public spaces, such as shopping centres, both to gather snapshot views and point them towards more extensive involvement. The approach has been tested internally and used in community settings in relation to a Member's bill on lowering the default speed limit from 30mph to 20mph.

Improving

Some Committee processes have been done in broadly the same way since the Parliament was established. The extra capacity in the CEU is allowing the Parliament to look at core inquiry activities, such as calls for evidence and how inquiries and reports appear on the website, and consider how these can be made more engaging to the target audiences. The CEU is also supporting Committee teams to find sustainable ways of feeding back to people who have contributed to inquiries about what happened as a result of their input and how they can continue to be involved with the Parliament.

Co-designing

The CEU is working with partners – including the Scottish Youth Parliament, Children's Commissioner and Young Women's Movement – to test different ways of involving young people in Committee consultations and to develop proposals that can be routinely built into Committees' work in future.

One strand of this work is the Young Women Lead project with YWCA Scotland, which was referred to earlier in this chapter. During 2018, a group of young women under the age of 30 and from a wide variety of backgrounds met over the course of the year as a Committee to consider an issue of their choosing – sexual harassment in schools – gather evidence, and make recommendations. The project not only developed the knowledge and confidence of the participants, encouraging many of them to consider future roles in public life but it was so successful it went on to win a prestigious award at the Holyrood Magazine Public Services Awards. The report has also informed the Parliament's Equalities and Human Rights Committee, which used it to question the Deputy First Minister on government policy in this area.

The project will be repeated with new cohorts of young women in 2019 and 2020, after which the Parliament will consider whether this is a model which could also be used with a different participant group.

**Parliamentary business
in the Chamber**

Gnothaichean pàrlamaideach
anns an t-Seòmair



Parliamentary business in the Chamber

The work that the Parliament does to engage the people of Scotland in its work feeds through in to the debates held and decisions made during its formal business, both in the main Chamber and in Committees.

The Commission explored the way that business in the Chamber is planned and delivered, making various recommendations to improve both how it works and how accessible it is to all MSPs and to those watching from outside.

Highlights

More than ever before, the Parliamentary Bureau is working together to take strategic decisions in the wider interests of the Parliament. Through this longer-term planning, we're looking at sitting patterns and how we better respond to changing Chamber and Committee workloads and pressures, crucial to dealing with today's unprecedented demands.

We've brought more flexibility and responsiveness for the Parliament to discuss the big issues of the day, through urgent questions which can be asked on any sitting day, an extra portfolio question time, and more opportunities to ask spontaneous questions at First Minister's Questions.

The contribution of smaller parties to proceedings has been given greater recognition, there is more time for interventions and proper debate, and each party now has more discretion and flexibility in how they use their allotted time in debates. Individual members now also have more opportunity to directly influence the business being proposed for debate, by speaking on the business motion in the Chamber each week.

Implementation

The Commission's recommendations in this area were all considered and taken forward by the Parliamentary Bureau and the Standards, Procedures and Public Appointments Committee [the SPPA Committee]. Comprising the party business managers, the Parliamentary Bureau considers and proposes the parliamentary business programme which is considered, and agreed, by Parliament. The SPPA Committee, which is a formal Committee of the Parliament, has a remit to consider and make recommendations on the rules and procedures for how the Scottish Parliament operates.

Business programming and sitting patterns

The Commission made a number of recommendations on how the Parliament decides its business programme [R22, R38, R43, R44, R45, R46]. Its intention was to find ways to make the process more transparent while also enhancing the input that MSPs have in to this process. This includes ways in which opposition parties could have a more active role in proposing business, such as setting aside time in

the Chamber for questions to be raised on the business programme, and ensuring that all Business Managers are prepared to propose the business to the Chamber.

Strategic overview

In response to these points, the Parliamentary Bureau agreed to hold planning meetings every parliamentary term, in addition to its weekly meetings, to take a more strategic overview of the business programme. In particular, this will allow it to take an overview of issues that have an impact across the Parliament as a whole, such as considering the management of the workload arising from the annual legislative programme and the budget scrutiny process.

The meetings will also provide the parties' business managers with the opportunity to examine the business programme in the longer term, including the management of Chamber time, and consider the workloads of Committees.

The purpose of these planning meetings will vary as the session progresses depending on what issues arise. In particular, the Parliamentary Bureau will be able to use these meeting to consider the pressures associated with the final year of the session and whether any revisions to sitting patterns will be required.

The first of these meetings was held in September and provided the Parliamentary Bureau with the opportunity to plan for business arising from Brexit. The Parliamentary Bureau recognised that the majority of this workload would have the greatest impact on the Parliament's Committees and so it focused on creating enough flexibility to allow time for Committees to carry out this work.

The Bureau's strategic planning meetings will also be used to review whether the Parliament is working at peak effectiveness, as recommended by the Commission [R39].

Extending business

To create greater flexibility in debates, the Commission recommended that the Presiding Officer should be given the power to extend business by up to 30 minutes.

The Presiding Officer and the Parliamentary Bureau are aware of the restrictions that fixed speaking times can have on the ability of Members to participate in debates. They are also aware of the impact that last-minute changes to business can have, in particular, when moving Decision Time to a later time.

With this in mind, steps have been taken to create flexibility in the business programme to make sure debates can conclude in time for Decision Time at 5.00pm. This includes reducing the number of speakers in a debate or the speaking time available to Members.

Where time is tight, and there would be benefit in extending business, the Presiding Officer can invite the Parliamentary Bureau to lodge a motion to agree to extend business, but given the impact of taking such a step, it is anticipated that this would be done only when it is unavoidable.

Future business

The Commission heard concerns that the ability of people to engage meaningfully with MSPs can be limited by the fact that only one week's notice of the business

programme is generally provided. In response to this, the Commission recommended that a more detailed business programme should be provided [R43].

At the time of the Commission's report, the business programme provided details of the current week and the next week's programme of business. A skeleton business programme was provided for the following week of business, which also provided details of question times and any Stage 3 proceedings on bills which are scheduled to take place.

This has now been extended to include details of forthcoming Stage 1 debates as well as any proposed Committee debates. To allow it to take an overview of the legislative programme, the Parliamentary Bureau is also now provided with details of the progress of legislation at every Parliamentary Bureau meeting.

MSP input

To give all Members the opportunity to influence and raise issues on the business programme, the Commission's recommendations included the establishment of a backbench committee [R46] and the creation of opportunities for non-Parliamentary Bureau Members to attend Parliamentary Bureau meetings [R43].

The Commission's desire to encourage a greater sense of ownership of parliamentary business amongst all MSPs was recognised by the Parliamentary Bureau. The establishment of a backbench committee was not supported by the Parliamentary Bureau, but it has taken a number of important steps to enhance the business planning process and the input of backbenchers and other non-Bureau members in response to the Commission's recommendations.

Members can already attend Parliamentary Bureau meetings at the invitation of the Parliamentary Bureau. Indeed, Conveners of Committees are sometimes invited to meetings to discuss the timetabling of the bills referred to their Committees. This is an approach which could also be taken forward in the context of the business planning meetings when the Parliamentary Bureau is considering the scheduling of legislation.

The Parliamentary Bureau has also relaxed the procedures relating to the way the business programme is agreed by the Parliament. The rules were previously very restrictive as they limited how many Members may speak and for how long.

In response, the Parliamentary Bureau has agreed ways to allow for Members to have greater input into the process. The current practice is for the Minister for Parliamentary Business to respond on behalf of the Parliamentary Bureau. However, the rules would allow any Parliamentary Bureau Member to respond.

Since the implementation of this process, one Member has used this new process to request that a debate on asylum seekers be included in the business programme. In response, a debate was scheduled in the business programme on this issue.

Members have also been reminded that they are able to raise any matter they wish to be included on the business programme with the Presiding Officer, who would, in turn, raise this on their behalf at the Parliamentary Bureau meeting.

As the new process beds in, the Parliamentary Bureau will consider its operation in the usual way, and it remains open to the Scottish Parliament to revisit the establishment of a backbench committee at any time. Importantly, the Presiding Officer has agreed to include the operation of the Parliamentary Bureau in the programme for continuous professional development to raise awareness among all Members of its operation and their opportunities to input into it.

Question Times

First Minister's Questions

The Commission recognised that First Minister's Questions [FMQs] is the focal point of the parliamentary week. It is often the only contact some members of the public will have with the Parliament. The Commission made a number of recommendations which aimed to make the process more accessible and spontaneous.

First, the Commission examined the need for questions by party leaders and other Members to be published in advance [R10, R11]. The Presiding Officer took immediate steps to act on its recommendation to remove the requirement for diary questions from party leaders. He also now provides many opportunities for other Members to ask unpublished questions at other points during FMQs. Although it varies on a weekly basis, the Presiding Officer takes around seven or eight unpublished questions during FMQs.

In recognition of the fact that FMQs provides an opportunity for Members to elicit information from the First Minister and it is an opportunity for other Members to ask questions on the same subject matter as the published question, the Presiding Officer continues to select a small number of questions in advance.

Portfolio Questions

The Commission made a number of recommendations to make portfolio question times more effective and to increase the frequency of Ministerial portfolios coming up for scrutiny [R12, R13, R14]. It recommended that the range of question times be reviewed and that the number of Members' names drawn for each question time should be reduced to increase the chances of all named Members being called during question time. It also proposed that the Presiding Officer should be able to group questions on the same issues when they are called in the Chamber to allow for more sustained questioning.

In response, the SPPA Committee agreed that an additional question time of 20 minutes should be scheduled to take place on Thursday afternoons to standardise the length of all portfolios and to increase the frequency of portfolio subjects being taken. It also agreed that the number of MSPs drawn to ask a question for each question time should be reduced. These changes will apply in 2019.

The Commission also recommended that any party spokesperson requesting to speak during portfolio questions should be called automatically. When deciding which Member to call to ask an unpublished question, the Presiding Officer already tries to call spokespersons. He also takes other issues into account, including whether a question relates to a constituency issue or is on a matter in which a Member has a particular interest.

In making these decisions, the Presiding Officer follows guidance that is provided and updated by parliamentary officials. To give him the flexibility to take account of all the relevant issues, it was agreed that the expectation that spokespersons would be called should be set out in the guidance rather than in the rules.

Urgent Questions

The Commission also heard views that the Parliament can be considered slow to respond to emerging issues. To address this, it recommended that a system of urgent questions should be created to allow issues to be taken on the day [R19, R20].

The Presiding Officer took immediate steps in response to this recommendation by allowing urgent questions using the existing rules for emergency questions. The new system appears to have been well received by Members. To date, 12 urgent questions have been selected by the Presiding Officer to be taken on the day on which they were lodged.

Debate management

The Commission made a number of recommendations to address the views expressed to it that, because of fixed speaking times, some debates can be more about political point scoring without enough time for the formulation of arguments. These recommendations were also intended to create greater opportunity for time to be allocated to the smaller parties [R50, R51, R52].

It is for the Presiding Officer to decide speaking times. To make sure time is allocated as fairly as possible, he produced a debate management framework under which the speaking time for each party is allocated based on party size. The Presiding Officer has also allocated speaking times for the smaller parties in all debates and statements since the start of this parliamentary session.

In response to the Commission's recommendations, revisions were made to the framework so that a Member from each party is called to take part in a debate or ask a question after a Ministerial statement at an earlier point than previously.

The Presiding Officer has also invited parties to consider distributing speaking times differently within their own allocation to allow Members longer to develop their arguments or to allow more Members of a party to speak. This approach has already been applied on a number of occasions since these recommendations were implemented, such as during the Conservative Party debate on the Scottish Drugs Strategy which took place on 28 November 2018.

As a general approach, the Presiding Officer already takes account of the viewpoints of all MSPs. He is also alert to the need to treat all Members fairly. Members have also been reminded that they may approach the Presiding Officer directly if they wish to take part in any item of business without necessarily being nominated by their own parties.

Role of the Presiding Officer

The Presiding Officer has a key role in the running of business within the Chamber, and the Commission made a number of recommendations in relation to that role.

The Commission recommended that the Presiding Officer should have a stronger role in ruling on the conduct and content of parliamentary business [R17]. It is worth bearing in mind that the Presiding Officer uses a variety of mechanisms when managing parliamentary business to ensure that it is conducted in an orderly manner. This includes intervening when Members are speaking in the Chamber when necessary. He also writes to Members both individually and as a cohort to set out his expectations, and he meets individual Members when this is appropriate. Regular meetings with Business Managers are a feature of his ongoing dialogue with party representatives.

The Commission recommended that a mechanism should be established which would create a greater role for the Presiding Officer on the content of answers and, in particular, to rule on the accuracy of oral and written answers [R18]. It noted that inaccurate or poor answers damage the reputation of Parliament as an effective accountability mechanism and limit the ability of MSPs to perform their scrutiny function.

The Presiding Officer already has the power to rule on matters of fact under Rule 7.3.1 of the Parliament's Standing Orders, which states that "Members shall at all times conduct themselves in a courteous and respectful manner and shall respect the authority of the Presiding Officer". This session, the Presiding Officer has clarified his role in this area and accordingly does not use the form of words "veracity is not a matter for the chair" when responding to points of order on accuracy. Instead, he has emphasised the obligation on all Members to be truthful and accurate in their contributions.

While considering this recommendation, the SPPA Committee acknowledged that the rules require the Presiding Officer to be politically impartial and to treat all Members equally and that creating an extra mechanism would be a departure from the PO's existing role. It would risk, in certain circumstances, drawing him in to adjudicating on subjective matters of political emphasis or presentation which may be more suited to debate.

With that in mind, the SPPA Committee recommended that guidance on challenging inaccurate answers should be updated to make reference to the role of the Scottish Parliament Information Centre [SPICe] as a resource that can be used to check the accuracy of any points raised. Given the importance of the issue, the SPPA Committee is also considering what further action may be required to promote accurate and timely answers to questions.

Finally, the Commission recommended a more detailed job description of the Presiding Officer's role and responsibilities [R21]. Given the variety and nature of the changes recommended by the Commission and acted upon by the Parliament, this is a task that will be taken forward once they have had a chance to bed in.

Scottish Government response to defeats in the Chamber

In relation to ministerial accountability in the Chamber, the Commission heard concerns that there were no procedural consequences for the Government when a motion was passed which criticised its policy or performance or where the Parliament did not support its policy direction. To address this concern, the

Commission recommended that the relevant minister should be required to come back to the Chamber to set out what action is made taken in response [R49].

The Parliamentary Bureau agreed that the Scottish Government will respond to defeats in the Chamber and to any calls on it set out in a parliamentary resolution within a reasonable time and in an appropriate manner. All members of the Parliamentary Bureau can pursue this at Parliamentary Bureau meetings and any Member can make requests for a response by speaking on the business motion when it is taken in the Chamber under the new procedures agreed by the Parliamentary Bureau.

The Parliamentary Bureau agreed that the guidance would be updated to make these processes clearer.

Parliamentary business in Committees

Gnothaichean pàrlamaideach
ann an Comataidhean



Parliamentary business in Committees

Committees are at the heart of parliamentary scrutiny, and the Commission made a number of recommendations designed to enhance their scrutiny role. These chime with work that the Conveners Group and Committees have undertaken both in the previous and current session of the Parliament.

Highlights

Reform has helped to position Committees once more at the forefront of the Parliament's work. Committees' scrutiny and engagement roles have been enhanced, with the Conveners Group taking a more strategic view. The Parliamentary Bureau is giving more flexibility to Committees to meet at the same time as Chamber, as well as allocating time each week for Committees to announce their work more widely to all Members in Parliament.

The effectiveness and diversity of Committees have been enhanced through smaller Committees and principles agreed around diversity of membership. Committees are working more closely together on cross-cutting issues like the Climate Change Plan and National Performance Framework.

Implementation

Broadly, the Commission's recommendations related to how Committees undertake their scrutiny function, the balance between Committee and Chamber business, the structure and composition of Committees, and the support available to Committees. They were referred to the Parliamentary Bureau, the Standards, Procedures and Public Appointments Committee [the SPPA Committee], and the Conveners Group – a group comprising all the Committee Conveners which considers the operation of Committees.

Scrutiny function

Effective Committee scrutiny is key to the Parliament's overall purpose and the Commission's recommendations, together with the work that is being taken forward, are designed to ensure Committees continue to evolve and to enhance their approach to scrutiny.

One of the Commission's main recommendations was that Committees broaden their scrutiny role. The recommendations included that the Conveners Group should take a more strategic approach to scrutiny across Committees and that there should be increased scrutiny of public bodies and pre- and post-legislative scrutiny [R5, R15].

The Conveners Group agreed to take a more strategic approach to scrutiny, building on the work it was already doing, and Committees have also been able to build on previous work in scrutinising a wide range of public bodies either through targeted

budget scrutiny, as part of an overall inquiry into a specific policy area or as an inquiry in its own right.

Recent examples include the Rural Economy and Connectivity Committee's scrutiny of the funding of Clyde and Hebridean ferries as part of its budget scrutiny, the Environment, Climate Change and Land Reform Committee's scrutiny of issues such as deer management and biodiversity targets, the Health and Sport Committee's work focusing on the performance of all health boards against local delivery plans, and the Culture, Tourism, Europe and External Affairs Committee's inquiry into Creative Scotland.

Committees also seek to scrutinise bodies and organisations outwith the public sector, such as the Economy, Energy and Fair Work Committee's inquiry into the impact of banking closures on local businesses and the Scottish economy.

Post-legislative scrutiny has been added to the remit of the Public Audit Committee, which became the Public Audit and Post-Legislative Scrutiny Committee. The idea behind this was not to prevent any other Committees from undertaking their own post-legislative scrutiny but to ensure there was a specific focal point for such scrutiny. The Committee has undertaken post-legislative scrutiny on a number of bills, while other Committees (such as the Justice Committee) have undertaken their own post-legislative scrutiny. Further information on this work is described in the chapter on Legislation.

The Parliament has also taken the opportunity to look at how it conducts scrutiny of the Scottish Government's budget, with the Finance Committee commissioning a comprehensive review.

Inevitably, there are cross-cutting issues that span Committee remits, and there are a number of examples where effective cross-cutting scrutiny has taken place [in addition to budget scrutiny, which has been carried out on a cross-cutting co-ordinated basis since the Parliament's inception). A recent example is the scrutiny of the Scottish Government's revised outcomes for its National Performance Framework. This was led by the Local Government and Communities Committee but all interested Committees were invited to take part in the scrutiny. This resulted in nine Committees contributing to the final report.

Another example is the scrutiny of the Scottish Government's Climate Change Plan where four Committees agreed a joint approach and commented on the parts of the plan where they had particular expertise.

Engagement to support scrutiny

The Commission made a number of recommendations on how engagement can enhance the scrutiny function of Committees. The Parliament's work in response is addressed more broadly in the chapter on Engaging the people of Scotland. However, building on the approach that was already being adopted, Committees are already seeing the results of using a variety of ways in which to engage a wider range of people in their work:

- The Public Petitions Committee has recently used a digital platform to engage with audiences on a subject matter where confidentiality can be key. Its inquiry

into mental health services for young people has facilitated participation by young people, their carers and the health workers in separate conversations, which has encouraged frank conversations that the Parliament might have struggled to host through other formats.

- The Education and Skills Committee has gathered views in different ways from hundreds of teachers, parents and young people – face-to-face in communities, during visits to the Parliament and online through social media and surveys.
- The Local Government and Communities Committee worked with experienced organisations to prepare and support participants – including some young care-experienced people – to share their experiences in a public Committee meeting on homelessness. The Committee drew extensively on these stories in its report.

A number of the Commission's recommendations also focused on diversity more generally. Those in relation to Committees (for example, Committee witnesses) are covered in the chapter on Diversity.

The Commission also recommended that the Parliament should agree good practice for parliamentary consultations, including a recommended consultation timescale [R69]. This has been produced and published on the Parliament's website.

Committees and the Chamber

The Commission explored the issue of the balance of parliamentary time available for Committees, making recommendations around Committees being able to meet at the same time as the Chamber and looking at different sitting patterns [R36, R38]. It also recommended that the Parliament should also consider using a committee room to hold parallel debates as a way of providing additional opportunities for chamber business [R37].

To prepare for the UK's exit from the European Union, the Parliament is involved in scrutiny work on issues such as secondary legislation making the necessary legislative changes, UK Government and Scottish Government legislation and common frameworks. Committees will need to balance this work with existing scrutiny work and may require time, over and above their normal meeting cycle, to do this.

To this end, the Parliamentary Bureau has indicated its willingness to have Committees meeting at the same time as the Chamber, as well as flexibility around Chamber sittings if any Committee needs more time to meet. This includes scheduling business so that Committees which need to meet during plenary business can participate in the business that they have most interest in, or cancelling meetings of the Parliament altogether.

In response to this, the Environment, Climate Change and Land Reform Committee has met twice during plenary business to consider legislation arising from Brexit. The Finance and Constitution Committee and the Culture, Tourism, Europe and External Affairs Committee have also met jointly during plenary business to question the UK Minister for the Cabinet Office on Brexit issues. Other Committees are aware that this option is also available to them.

Chamber announcements

The Commission noted concerns about the limited opportunities for Committee business to be announced in the Chamber and the extent to which Members are made aware of new Committee inquiries or reports. It therefore suggested creating a mechanism for Committees to announce the launch of inquiries or findings from reports [R47].

Following consultation with the Conveners Group, the Parliamentary Bureau agreed to schedule a regular slot in the business programme to allow announcements to be made before Decision Time on Tuesdays. When the opportunity is taken up, the Committee Convener is allocated up to three minutes to make an announcement.

By the end of 2018, four Committees had used the mechanism to make announcements: the Finance and Constitution Committee on UK Common Frameworks; the Public Petitions Committee on Mental Health Support for Young People; the Standards, Procedures and Public Appointments Committee on Confidentiality of Reports from the Commission for Ethical Standards in Public Life; and the Rural Economy and Connectivity Committee on its inquiry into Salmon Farming in Scotland.

Remit and size of Committees

To improve the effectiveness of Committees, the Commission recommended that they should normally have a maximum of seven Members and should reflect the gender balance of MSPs in the Parliament. It also agreed that this approach should then be expanded to other protected characteristics once better diversity in representatives is achieved [R3, R25].

In relation to the establishment of Committees, the Commission recommended that the Parliament should agree and publish a set of principles to make the process more transparent [R4].

The Parliamentary Bureau agreed that, although some Committees may have to be larger in order to allow for cross-party membership, wherever possible Committee membership should be a maximum of seven.

The membership of the Economy, Energy and Fair Work Committee, the Health and Sport Committee and the Justice Committee has now been reduced from 11 to nine Members. The membership of the Environment, Climate Change and Land Reform Commission has also been reduced from 11 to seven Members.

The Parliamentary Bureau will also continue to look at ways to reduce the membership of other Committees over the course of the session, and this decision will inform the establishment of Committees at the start of the next session.

The issue of gender balance has been considered by the Parliament for a number of years. Standing Orders were changed in 2017 to require that gender balance be taken into account in the membership of both the Scottish Parliamentary Corporate Body and the Parliamentary Bureau. The Conveners Group also considered this recommendation and concluded that gender balance should be included in any principles to inform the composition of Committees.

In response to these recommendations, the Parliamentary Bureau has agreed the following set of principles which will be incorporated into Parliamentary Bureau guidance and applied when establishing Committees at the start of next session.

Establishing Committees: principles

In establishing Committees, in addition to ensuring compliance with Standing Orders, the following principles shall be considered—

- The terms of a Committee's remit will make clear the matters that fall within its responsibilities. Subject Committee remits may, but do not have to, reflect ministerial portfolios. Mandatory Committee remits will set out any matters that are included within the remits in addition to the matters specified in Standing Orders.
- Committee names will usually reflect the high-level policy areas within a Committee's remit. Where additional matters have been included in the remit of a mandatory Committee the name of the Committee will reflect the nature of the additional matters. The names of subject Committees may, but do not have to, reflect ministerial portfolios.
- Committees will normally consist of seven Members. Smaller or larger Committees may be proposed where appropriate. A smaller Committee may facilitate more focused scrutiny of matters within a Committee's remit. A larger Committee may be preferable to enable all parties or groups on the Parliamentary Bureau to be represented on a Committee.
- Committee membership will reflect, as far as possible, the gender balance of MSPs in the Parliament.
- Committee Conveners and Deputy Conveners will reflect, as far as possible, the gender balance of MSPs in the Parliament.

Resources and expertise

In considering the work of Committees, the Commission recommended that the Parliament should review the dedicated resources available to Committees to determine whether they are able to meet the future needs of parliamentary business and support more effective scrutiny. It also suggested that the range of mechanisms available to Committees to benefit from expertise and experience other than through the formal appointment of an adviser be reviewed [R8, R9].

The resources available to Committees were reviewed as part of the Parliament's internal budgeting process. These, and the other mechanisms available to Committees, were subsequently discussed with Conveners Group.

Party discipline

The Commission reflected on the effect of party discipline within Committees and recommended that the Presiding Officer should meet with party representatives and agree key principles of when party discipline is appropriate in parliamentary business [R53]. This referred to the view that Committees had become more partisan and that Committee Members needed the freedom and space to undertake their scrutiny function.

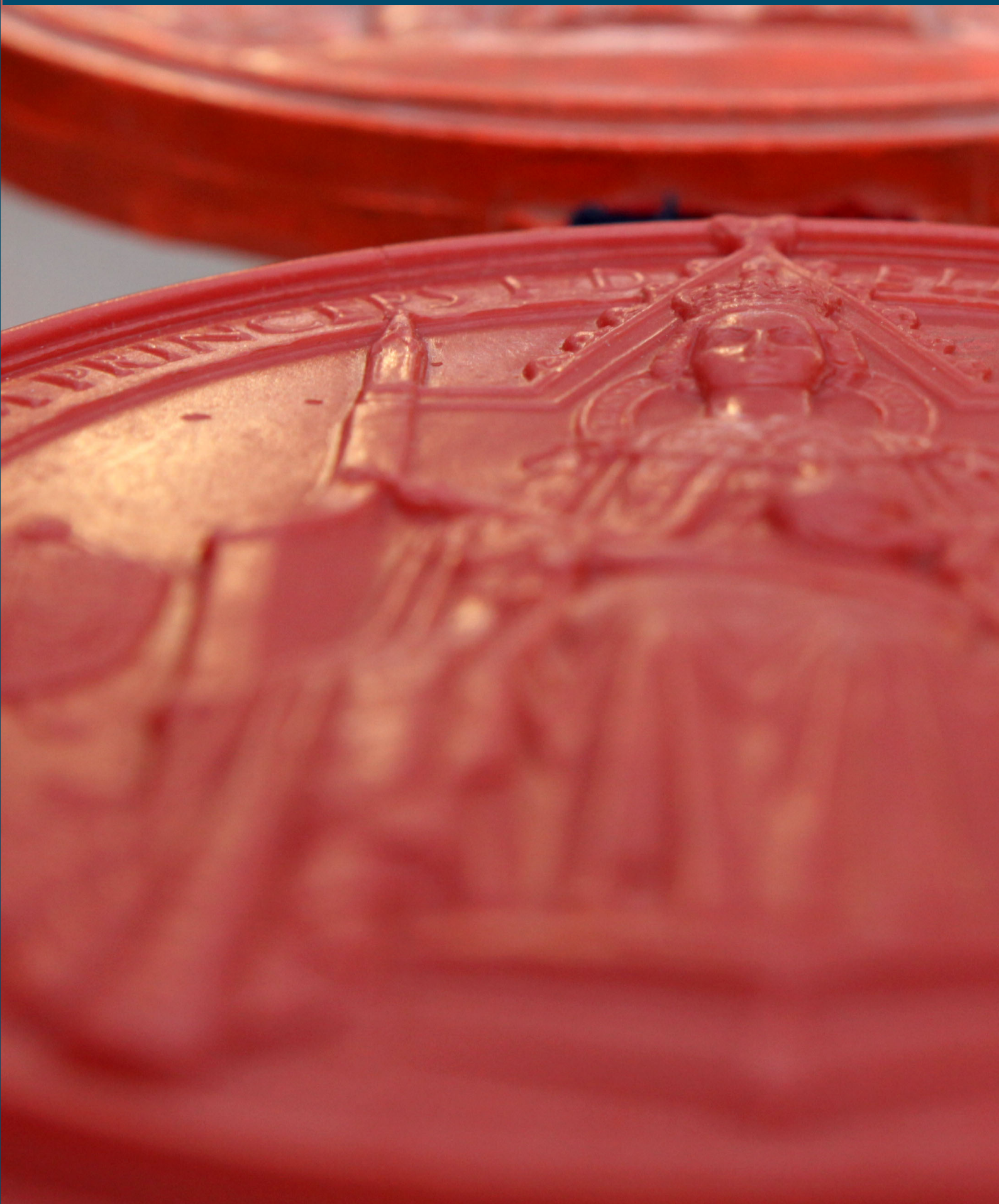
There is the expectation in the Parliament that good scrutiny always follows the evidence. The Presiding Officer has regular meetings with business managers as a feature of his ongoing dialogue with party representatives, and so has opportunities to discuss any concerns that may emerge. Strategic planning is also helping to ensure that Committees have the time and space to function effectively, in particular to meet the demands of Brexit-related scrutiny.

This is an issue that the Parliament will wish to monitor closely and may return to in future.

Elected Conveners

The Commission also recommended that the Parliament should put in place procedures for the election of Conveners from the start of the next session [R1]. The SPPA Committee looked at this issue in the previous session of Parliament and decided against recommending the election of Conveners at that time.

The current SPPA Committee has considered the Commission's recommendation and has agreed to look at the issue again, following an assessment of Convener workload.



Legislation

A key part of the Scottish Parliament's business is to pass legislation in the interests of the people of Scotland. The Commission made a number of recommendations in support of the aim of making the process as effective and accessible as possible.

Highlights

Making laws is one of the key functions of a modern Parliament and we continue to develop our processes to achieve quality in the legislation we pass, through improving the quality of accompanying documents, to assessing whether the legislation passed is working in practice through post-legislative scrutiny.

The Parliamentary Bureau, in taking a more strategic overview of parliamentary business demands, provides more opportunities for Committees to input to and influence bill timetables to allow adequate time for proper scrutiny. Members' rights in relation to their Members' bills are also being strengthened.

Implementation

As the parliamentary legislative process is governed largely by the Parliament's Standing Orders, these recommendations were mostly referred to the Standards, Procedures and Public Appointments Committee [the SPPA Committee].

Pre- and post-legislative scrutiny

The Commission recommended that the current three stage legislative process should be replaced with a five-stage process to include pre-legislative and post-legislative scrutiny. While the existing three stage legislative scrutiny process would remain at its core, Committees should include pre- and post-legislative scrutiny in their work programmes [R15].

The SPPA Committee considered this recommendation and was supportive of the Commission's objective of enhancing pre- and post-legislative scrutiny. Indeed, the previous SPPA Committee had conducted inquiries which specifically considered how improvements could be made.

The SPPA Committee concluded that new parliamentary initiatives introduced this session will help achieve the Commission's objective of promoting pre- and post-legislative scrutiny. One of the most important of these has been the establishment of a Committee with a dedicated focus on post-legislative scrutiny.

Dedicated post-legislative scrutiny Committee

As noted in the chapter on Parliamentary business in Committees, the remit of the Public Audit and Post-Legislative Scrutiny Committee [the PAPLS Committee] was widened at the start of this parliamentary session to include post-legislative scrutiny. This will help increase the profile of post-legislative scrutiny, while not restricting the ability of other Committees to undertake it.

This is the first time that post-legislative scrutiny has been specified in the remit of a Scottish Parliament Committee, and its work should address the issue that the Commission identified that Committees do not allocate sufficient time to post-legislative scrutiny.

The PAPLS Committee has already begun its work on post-legislative scrutiny, asking the public to suggest acts they felt would benefit most from post-legislative scrutiny. Over 40 submissions were received suggesting a total of 24 acts. From this 24, five acts have been shortlisted to form the basis of the Committee's [post-legislative scrutiny work programme](#).

The PAPLS Committee has been keen to react to topical issues that may arise and, following a Chamber debate in May 2018, the Committee issued a call for evidence on the effectiveness of the Control of Dogs (Scotland) Act 2010.

Parliamentary opportunities for pre-legislative scrutiny

As well as this development in the Parliament's approach to post-legislative scrutiny, the SPPA Committee has highlighted the opportunities for MSPs and Committees to utilise existing parliamentary processes to undertake pre-legislative scrutiny.

One opportunity arises from the fact that the Government's proposals for bills are generally outlined in a 'Programme for Government'. In recent years the First Minister has made a statement to the Parliament in early September, followed by a debate on the programme. The Programme for Government statement gives Committees the opportunity to identify and consider proposals for forthcoming legislation within their remit.

Standing Orders do not currently require any formal procedural steps before a Government bill can be introduced, although the Scottish Government may carry out a consultation on a proposed bill and, in doing so, it sometimes includes a draft bill. The relevant Committee may use this to seek evidence on the proposals, including from the Minister.

Last session, the SPPA Committee recommended that Committees take a decision on whether to undertake pre-legislative scrutiny when they plan their work on upcoming bills. This would prompt Members of the Committee to consider how pre-legislative scrutiny could improve their consideration of bills.

While the SPPA Committee felt that the current three-stage legislative process should be retained in Standing Orders, it supports the opportunities to deliver the objective of promoting and improving pre- and post-legislative scrutiny immediately through other existing means and structures in the Parliament, as well as new innovations such as a dedicated Public Audit and Post-Legislative Scrutiny Committee.

Legislation: other recommendations

Accompanying documents

The Commission recommended that accompanying documents published on the introduction of bills should provide more detail about the research and evidence used to underpin the bill [R15(b)]. It recommended that the information provided by the Government or bill proposer when it publishes a bill (the accompanying documents)

should include: business and regulatory impact assessments; equalities impact assessments; and key outcome measures which will enable the success of any legislation to be assessed.

Both the SPPA Committee and the Scottish Government are supportive of improving the quality of accompanying documents, as proposed by the Commission. The SPPA Committee felt that a priority should be improving the quality of existing documents, and a number of initiatives are under way to achieve that improvement. The SPPA Committee has also written to the Scottish Government to seek further information on the efforts it is making to improve the quality of information in the documents, and it will continue to monitor this issue.

Committee input into bill timetables

At present, the Scottish Government or bill proposer will consult Committees about the timetable for completing consideration of the bill and before proposing deadlines for completing stages 1 and 2 to the Parliamentary Bureau. Given the importance of the Committee stages in the bill process, the Commission recommended that Committees should instead be invited by the Parliamentary Bureau to set the timescale for completing their consideration of a bill [R15(b)].

Under the current process, Committees can and regularly do seek extensions to agreed timetables. Where there is an issue of particular concern about the timetable, Committees are likely to discuss this as part of their work programming, and Conveners can be invited to attend the Parliamentary Bureau to discuss the issue. Motions proposing completion dates for stages are then put to the Parliament, with the opportunity again for any concerns to be raised in the Chamber before the motion is decided on.

The SPPA Committee was content that the current arrangements provide an opportunity for Committees to be involved in setting the timetable for key stages of bills. The Conveners Group is considering whether these arrangements should be formalised along the lines proposed by the Commission.

As covered in the chapter on Parliamentary business in the Chamber, the Parliamentary Bureau's new strategic planning meetings also allow it to take a better-informed overview of bill timetables as they impact on individual Committees and the Parliament as a whole.

Amendments to bills at stages 2 and 3

The Commission highlighted and endorsed recommendations from the previous SPPA Committee about the presentation of amendments and a 'pause mechanism' at stage 3 [R15(d)]. In its legacy report, the previous SPPA Committee proposed that the current Committee monitors progress in taking forward these recommendations. The current Committee will incorporate this scrutiny into its work programme.

The Commission also recommended that it should be possible, in exceptional cases, to refer a bill back to the lead Committee and the Delegated Powers and Law Reform Committee at stage 3. The SPPA Committee agreed with this recommendation and noted that this is allowed under the current rules.

Members' bills

The Commission recommended that, when the Scottish Government proposes to legislate on the same proposal for a Member's bill, the Member's bill should not be automatically stopped from progressing [R54, R55]. In those circumstances, the parliamentary procedure should encourage collaborative working. Once this change in approach is implemented, the Commission recommended that Parliament should review, and if necessary increase, the resources available to support the Members' bills process.

The SPPA Committee agreed that improvements could be made to the current provisions, for example in reducing the timescale within which the Scottish Government must bring forward legislation after stopping a Member's bill from progressing. While the Committee noted that there are some practical reasons to retain the right of the Scottish Government to stop a final proposal, it agreed a proposal for changes to the Standing Orders to be put before Parliament for consideration and approval.

Legislative standards body

The Commission recommended that a legislative standards body be established to "provide a Scotland-wide approach and understanding of what constitutes good legislation" [R16]. In considering the most appropriate way to progress this recommendation, the SPPA Committee reflected on the following key areas:

- The role of legislation and whether there was sufficient clarity about why legislation is brought forward;
- What constitutes clear and effective legislation: for example, robustness, consistency in style, potential for core principles on drafting; and
- How the parliamentary scrutiny process best considers legislative standards.

The SPPA Committee noted that Scottish Government's Parliamentary Counsel Office is pursuing a Centre of Legislative Excellence initiative, the aim of which is to provide a locus for advice, background information and guidance on drafting bills. It has recently republished an extended and updated version of its [Drafting matters!](#) guidance, which is followed by parliamentary officials in drafting amendments to legislation and in preparing Members' bills.

Furthermore, the Scottish Parliament has recently updated its [Guidance on Public Bills](#), [Guidance on Private Bills](#) and [Guidance on Hybrid Bills](#). In addition, the Legislation Team has recently initiated workshops on the legislative process for external stakeholders.

The SPPA Committee noted that scrutiny of a bill and its accompanying documents, including whether there is sufficient clarity in the Policy Memorandum about the reasons for legislation being brought forward, forms part of the lead Committee Stage 1 scrutiny. In addition, the Delegated Powers and Law Reform Committee and the Finance and Constitution Committee scrutinise the accompanying documents and comment on them in their reports to the lead Committee.

Subordinate legislation, including the quality of the drafting, is closely scrutinised by the Delegated Powers and Law Reform Committee, and drafting issues are highlighted in the Committee's quarterly reports.

In order to take forward the Commission's recommendation in relation to "good legislation", the SPPA Committee agreed to scrutinise the various initiatives relating to the quality of legislation in the wider context of its ongoing consideration of a range of issues relating to legislation and legislative standards.

Chamber announcements: legislation

The Commission suggested that a Minister (or individual Member or Convener for a Member's bill or Committee bill) who is launching a consultation on proposals for legislation should announce this by speaking in the Chamber or Committee [R15(a)]. This is intended to give greater prominence to the proposal, and would be expected to encourage Committees to undertake pre-legislative scrutiny.

The SPPA Committee agreed with the objective of highlighting consultations. The Committee noted that it is possible under current parliamentary rules for Ministers to announce a consultation in the Chamber, while consultations on Members' bills are announced in the Business Bulletin and published on the Parliament's website. Furthermore, the new procedure for announcements about Committee business, which is being piloted, could be used for announcements about Committee bills.

Chamber announcements: Scottish Law Commission reports

In line with its recommendations on encouraging greater pre-legislative scrutiny, the Commission considered that there would be merit in the Scottish ministers informing the Parliament when they receive a report from the Scottish Law Commission [SLC] [R48].

The Commission recommended that a brief statement about the nature of the reform and the timescale for a decision would raise awareness among Members of potential forthcoming legislation. Given that this proposal related to business in the Chamber, it was referred to the Parliamentary Bureau for consideration.

Recognising that different SLC reports require different responses depending on the subject matter, and so the way in which the Parliament should be informed of the publication of a report may vary, the Parliamentary Bureau agreed that the Scottish Government should advise the Parliamentary Bureau when it receives an SLC report. This would allow any Parliamentary Bureau Member to seek a statement if they consider the issue warrants further scrutiny.

The Parliamentary Bureau also noted that the SLC's annual report is laid before the Parliament and so Members will be aware of reports published through notice in the Business Bulletin. Any Member can also request for a statement on any report to be made by speaking on the business motion when it is taken in the Chamber under the new procedures agreed by the Parliamentary Bureau, which are outlined in the chapter on Parliamentary business in the Chamber.

Diversity | Iomadachd



Diversity

The Commission made a series of recommendations on the Parliament's role in supporting diversity, recommending in particular that it should be proactive in promoting a range of measures to bring diversity into the Parliament [R27] and that diversity and inclusion are considered as part of any changes brought about as a result of the Commission's report [R74].

Highlights

The theme of equality and diversity runs through the Commission's recommendations and builds on work we're taking forward around fostering a culture of respect within the Parliament.

We're playing a proactive role in encouraging and supporting parties to better reflect the diversity of voices and experiences found across Scotland. Party leaders recently committed to voluntarily publishing data on protected characteristics of their candidates for all elections. As a Parliament, we are also starting to collect data on the make-up of our current MSPs so we have a baseline to measure progress made at the next election.

Gender balance amongst our Committee Conveners is also improving, with 47% now women. With caring responsibilities of MSPs, staff and visitors in mind, we try to avoid late sittings without adequate notice, and acting Committee Conveners can be appointed to cover for extended periods of parental leave to avoid new parents having to give up their positions. MSPs are welcome to bring their babies into the Chamber, women are supported to breastfeed in there if needed, and the creche has flexibility to extend its opening hours to meet demand.

Implementation

The Commission's recommendations dovetailed with the work the Parliament was taking forward in line with its Diversity and Inclusion Strategy. This sets out our vision of a Parliament that is accessible and open to people from all walks of life and background – as place to work, to visit and to participate. It is a vision that the Parliament is actively working towards, and will continue to do so.

As an employer, the Parliament is working on a number of areas such as measures to address its gender pay gap (recently decreased from 11.1% to 3.8%) and measures to increase the overall diversity of parliamentary staff, across all protected characteristics.

As an institution, the Parliament has taken forward and continues to take forward work on diversity and inclusion. This work can be divided into three main areas: parliamentary business; diversity of candidates; and witnesses.

Parliamentary business

Issues of structural inequalities need to be addressed if Scotland is to have a more diverse Parliament. This includes ensuring there is diversity in decision-making bodies and in leadership roles. Given the current make-up of the Parliament, the changes made thus far are in relation to gender. However, as the Commission noted, this can be extended to other protected characteristics as the Parliament itself becomes more diverse.

As the Commission noted, following the appointment of an all-male Parliamentary Bureau and SPCB, the Parliament changed its Standing Orders to ensure gender is considered when appointing Members to these key decision-making bodies in the Parliament. The gender split in the membership of the SPCB (excluding the Presiding Officer) is now 40% women and 60% men, although there are currently no women on the Parliamentary Bureau.

Committee Conveners are senior roles in the Parliament. While attention has been focused on there being a gender-equal Cabinet, women accounted for only 19% of Committee Conveners in the previous session of the Parliament. This issue formed part of the discussions that took place between the political parties and the Presiding Officer at the start of this session and, as a result, 47% of Committee Conveners are women.

A specific recommendation from the Commission is that Committee membership should reflect the gender balance in the Parliament as a whole, and that this should be expanded to other protected characteristics. It is perhaps obvious, but still worth saying, that increasing the diversity of MSPs in the first place is necessary to ensure diversity across all Committees.

As noted in the chapter on Parliamentary business in Committees, the Parliamentary Bureau, with the support of the Conveners Group, has updated the principles used in determining the make-up of Committees to include having gender balance as far as is practicable.

The Parliament also recognises that the issue of how to balance childcare with the duties of an MSP can be a barrier to participating in parliamentary business. With women more likely to be the primary carer, this can have a disproportionate impact on women MSPs.

The current Parliamentary Bureau places great emphasis on the need to retain Decision Time at 5pm, avoiding any extensions to business as far as possible, and only with adequate notice, to minimise the impact on MSPs and visitors with caring responsibilities.

In 2017, the Parliament changed its Standing Orders to allow for the appointment of acting Conveners so that Conveners going on an extended period of parental leave could retain their position. This has had both a practical and symbolic impact, with the provision being taken up once since its introduction.

All parties represented in the Parliament also signed a pairing arrangement for voting in relation to parental leave, ensuring that Members may take parental leave without

affecting the political balance in parliamentary business. In addition, the Presiding Officer has advised that MSPs can bring their babies into the Chamber.

Finally, the Commission's report said that MSPs "deserve comparable employment rights to any other public employees, including the positive moves – such as parental leave and workplace flexibility". The Parliament has been undertaking further research to consider what this might mean in practice, building on the work that has already been done, and it will continue to explore these issues.

Diversity of candidates

In its report, the Commission asked the Parliament to work with others to set benchmarks for what may be reasonable in relation to the diversity of candidates for Scottish Parliament elections [R26]. In response, parliamentary officials have held discussions with the five parties represented at the Parliament and met the Equal Representation Coalition and, separately, some of the coalition's member organisations, to explore how best to respond to this recommendation.

What is clear from the discussions with parties is that they all recognise the importance of the Parliament reflecting the country at large. All parties have taken steps to diversify their membership and those selected to stand for election. The majority of this work has focused on gender, but there were examples of parties undertaking work to encourage potential candidates from black and minority ethnic backgrounds or with disabilities.

The Parliament recognises that it has no locus to determine what parties should do in selecting candidates for election and the processes they put in place to do so. However, officials were struck by the willingness of parties to discuss the challenges they face in their selection processes and to collaborate with the Parliament in considering where change might be required. The Parliament accepts that this is a complex area for parties and that change cannot be brought about over the course of one or two elections. Factors that have to be taken into account include the constitutions of parties, their respective approach to the electoral system (the degrees to which they focus efforts on the constituency and list votes) and the fact that it is difficult to represent all protected characteristics in what may be a relatively small group of people.

The first step must be to collect and publish good quality data on the protected characteristics of the current cohort of elected Members. An anonymous survey has been created and was issued to Members in January 2019. This will allow the Parliament to match the protected characteristics of MSPs to society at large and map out where the gaps might be. This will provide a benchmark from the parliamentary elections in 2016. With this information, the Parliament will be able to resume its discussions with parties on what benchmarks should be set and over what timescales those involved should aim to meet them.

The Parliament recognises that the process of identifying candidates for the next election will begin shortly for most candidates. In order to assist parties in reaching out to potentially underrepresented groups, several current Members have contributed to a video highlighting the diversity of our politicians and the practices and procedures. This was done to support people from a variety of backgrounds to

work as politicians, and to appeal to anyone thinking of becoming a candidate to take the plunge. The aim is for the parties to use the video to appeal to underrepresented groups before candidate lists are finalised.

Witnesses

The Commission also recommended that additional diversity expertise is available for a fixed period to enhance Committees' awareness of diversity issues when undertaking scrutiny work [R28]. This fits with the work already being taken forward to implement an action plan to increase the diversity of Committee witnesses.

In 2017, the Parliament commissioned a report to look at the gender diversity of witnesses. The report showed that since 1999 there has been a 12.3% increase in the number of women giving evidence at Committees, but it also showed that women still make up only 37% of the witnesses at formal Committee meetings.

The Conveners Group agreed steps to inform an action plan:

- Improve data capture and reporting mechanisms to ensure greater transparency around the diversity of those giving evidence.
- Expand the data collected to include other aspects of Committee work such as fact-finding visits and informal meetings.
- Additional guidance and training for Committees.
- Support and guidance for external organisations and training for potential witnesses

The Parliament's engagement work, as described in the chapter on Engaging the people of Scotland, is designed to increase the range of people who engage with and participate in parliamentary business. In itself, this should help to increase witness diversity, but the Parliament has also put in place an amended witness expenses scheme to ensure that it is easier for people to participate who might not have been able to because of financial considerations. A number of Committees are also actively encouraging organisations and bodies to think about diversity when deciding who should interact with the Committee.

The Parliament has also produced a new [Guide for Committee Witnesses](#) so that people have a better idea of what to expect if they are asked to appear before a Committee. However, recognising that taking part in a formal Committee meeting can be daunting, regardless of the support, Committees are also gathering information and evidence in different ways such as through informal engagement with groups, using social media and other digital tools, as part of overall efforts to increase engagement.

Parliamentary access

Finally, the Commission recommended that the Parliament should report on the diversity of all those who have special access to the Parliament through the provision of parliamentary passes [R29]. A working group has been established to consider how to take this work forward, and the Security Office will provide recommendations for SPCB's consideration.

**Parliament's
long-term future**

A' Phàrlamaid
san fhad-ùine



Parliament's long-term future

As well as making specific recommendations about the potential for improvements in how the Parliament engages the people of Scotland and manages its business both in the Chamber and in Committee, the Commission outlined a series of proposals designed to enable innovation and continuous improvement in the Parliament's long-term future.

These recommendations covered the Parliament's support for Members, its approach to human rights, its interaction with the Parliament's futures think-tank, and reviews designed to secure a successful long-term future.

Highlights

The Parliament is in the unique position of having an independent futures think-tank, 'Scotland's Futures Forum', to help us to be bold, ambitious and forward thinking. Committees are working closely with the Futures Forum to tap into new expertise and research and to look beyond current electoral cycles and across party lines for solutions. We also continue to help support our Members to become better parliamentarians through our Continuous Professional Development programme.

Reform doesn't stop here. The Commission envisaged a longer period of review before certain recommendations on reviewing members' expenses and parliamentary capacity were to be considered. Some proposals, like elected Conveners would, if approved, not come into effect until next session. And there are others, particularly relating to the structure of parliamentary business, that are being trialled, so we can draw on practical experience before making permanent rule changes.

Implementation

The Commission's recommendations were referred to the Scottish Parliamentary Corporate Body [SPCB], the Standards, Procedures and Public Appointments Committee [the SPPA Committee], and Scotland's Futures Forum.

Support for Members

Funding support

In recognition of their changing role, the Commission made a series of recommendations related to the provision of additional funding support to Members, be that as Conveners of Committees, party leaders, individual Members, or the parties themselves [R2, R58, R59, R60, R61].

The Commission recognised that this would need to be an iterative process both informed by the implementation of their other recommendations for change and considered as part of a wider strategic review.

While the implementation of recommendations is on-going and changes have still to be made, the SPCB has already commissioned an internal review of the Reimbursement of Members' Expenses Scheme, reporting to the SPCB in autumn 2019, to enable any agreed revisions to be effective from the start of the next session in May 2021. The scope of the review will be to consider the main aspects of the scheme's operation to identify the most appropriate, efficient and cost-effective support for Members to undertake their parliamentary duties. It will cover expenses reimbursed through the scheme, resources provided directly by the SPCB's budget, and the arrangements for party leaders' allowances.

Consideration of the recommendations on the remuneration for Conveners, funding to support a more diverse range of MSPs and funding of parties will be taken forward at a later date in the current parliamentary session, once the first review has reported.

Continuing professional development

The Commission also recommended that the current Continuing Professional Development programme for MSPs should be extended to support MSPs in fulfilling their role as parliamentarians, as distinct from that of representing their party and community, and should include training in diversity and equalities; financial and analytical skills; and human rights [R56, R57].

The SPCB already had plans in place to deliver equalities-based training and, as an example, ran a number of disability awareness sessions in conjunction with external experts. Since the publication of the Commission report, the Parliament has set up a joint working group on sexual harassment comprising senior officials, representatives of all the political parties and an external expert. As part of this work, a series of workshops looking at what constitutes sexual harassment and sexist behaviour and its impact has been rolled out. The workshops are open to everyone who works in or for the Parliament, not just Members, and all sessions are mixed so that everyone has the opportunity to hear the experiences and perspectives of a diverse group of building users.

The Equalities and Human Rights Committee's recent report into Human Rights and the Scottish Parliament has made a number of recommendations as to how human rights should continue to be embedded in the work of the Scottish Parliament. The next section deals in greater detail with that work.

Human rights

As well as noting the importance of human rights training as part of CPD for Members, the Commission asked the Equalities and Human Rights Committee [EHRiC] to consider strengthening the Parliament's role as a human rights guarantor [R30].

Having had Human Rights added to its remit in 2016, the EHRiC was already considering its approach to the issue within the Parliament. Additionally, political developments such as Brexit had highlighted the role of human rights protections and the fact that structural or institutional barriers could prevent vulnerable or marginalised people from claiming their rights.

The EHRiC therefore undertook an inquiry on human rights in the Scottish Parliament, which resulted in 40 main recommendations in its report, "[Getting Rights Right: Human Rights and the Scottish Parliament](#)". Not all the actions set out in the report are for the Scottish Parliament: some are aimed at the Scottish Government and some will need the assistance of the Scottish Human Rights Commission to implement. However, they represent a willingness to engage with human rights throughout the Parliament's work.

Among the recommendations, the EHRiC identified that the Parliament needs to look further at using a human rights based-approach to its work. It proposed that the Parliament ensure that young children's voices are heard across Committee subject areas and that children are appropriately engaged with the work of MSPs, which links to the Parliament's work with the Scottish Youth Parliament and Young Scot, among others, as noted in the chapter on Engaging the people of Scotland.

Furthermore, the EHRiC will work with the Scottish Human Rights Commission to develop the Parliament's engagement with Scotland's National Action Plan for Human Rights, and it has called for human rights impact assessments and human rights memorandums to accompany bills when they are introduced to Parliament, in order to bring the consideration of human rights clearly into the legislative process.

The EHRiC will also provide human rights leadership in the Parliament, producing guidance and developing bespoke training with the Scottish Human Rights Commission, and will ensure human rights are scrutinised methodically through the Scottish budget process.

The report sets out a road map for embedding a culture of human rights, and the EHRiC will look to implement its recommendations over the coming years. To help drive forward these changes over coming parliamentary sessions, the EHRiC has recommended that the human rights remit is made mandatory to the Equalities Committee.

Scotland's Futures Forum

In recognition of both the importance and difficulty of considering the long-term future within a parliamentary setting, the Commission recommended that the Parliament make better use of Scotland's Futures Forum, its futures think-tank. In particular, it recommended developing and if necessary funding proposals for engaging with and considering long-term issues [R40, R41].

Although wholly owned by the SPCB, the Futures Forum is a separate legal entity governed by a board of directors drawn from both within and outwith the Parliament and chaired by the Presiding Officer. As part of the recommended approach, the Commission also recommended that the SPCB and Futures Forum should provide more transparency about the nomination and appointment process for its board members [R42].

The recommendations chimed with the direction of the Futures Forum in this session, during which it has begun to work more closely with the Parliament and its Committees. The Commission's report provided further impetus and, in April 2018, the SPCB provided extra funding to increase the Futures Forum's staffing

complement to two, having confirmed the approach to appointment of directors which is now publicised on the Futures Forum's website.

This extra funding has enabled the Futures Forum to organise and deliver more events in conjunction with Committees and other cross-party groups of Members, covering subjects as diverse as the long-term sustainability of Scotland's public finances, justice approaches in New York, options for drugs policy in Scotland, and future models of social care in an ageing population.

With extra support, its head of business has also been able to play a greater role within the Parliament, bringing a long-term perspective to Scottish parliamentary service discussions on digital strategy and a review of the organisation's strategic planning approach. Through these changes in approach, the Parliament will therefore make continued and extra use of the Futures Forum in supporting both the work of Members in cross-party settings and the work of the parliamentary service in looking to the Parliament's long-term future.

Reviews of Standing Orders

The Commission recommended that the Standing Orders of the Parliament should be reviewed, in their entirety, towards the end of each session [R23]. The SPPA Committee agreed to establish a log of Standing Order Rule changes with a view to making those Rule changes at the end of the current parliamentary session. The log of changes has been set up following a consultation of users of the Standing Orders across the Parliament, and the SPPA Committee will consider rule changes in the last year of the parliamentary session in order that the changes can take effect from the beginning of Session 6.

The Commission further recommended that this review should include giving greater prominence to the Parliament's online glossary and the modernisation of the language used in Standing Orders where appropriate [R68]. The SPPA Committee considered the range of material that explained parliamentary procedures and was satisfied that, following a number of new initiatives, there was sufficient information available to explain parliamentary procedures. The SPPA Committee also agreed to recommend the use of modern and accessible language where appropriate in future revisions to Standing Orders.

The Commission also recommended a systematic review of the Standing Orders to ensure that the rules are diversity sensitive and inclusive to facilitate equal and effective participation in all business [R24]. The SPPA Committee considered a range of approaches that had been adopted in other legislatures and agreed to focus on work to ensure that the Standing Orders are inclusive and facilitate the equal and effective participation of Members with parenting responsibilities, particularly those nursing infants, in parliamentary proceedings.

Review of Parliament

Finally, reflecting on the importance of reviewing the changes that are being made, the Commission recommended that, following a period of bedding in, the Parliament should review the operation, capacity and effectiveness of the Parliament [R75]. As suggested, the Parliament will undertake this review no later than the latter part of Session 6.

Conclusion

The Scottish Parliament sits at the centre of public life in Scotland, and its influence looks only set to grow. The requirement to work efficiently, effectively and accessibly has therefore never been greater, as has the need to inform, involve and be accountable to the people of Scotland.

The Commission on Parliamentary Reform provided a timely and insightful review of how the Parliament operates and, importantly, on what can be done to improve how it engages with, and acts on behalf of, the people of Scotland.

The Commission's recommendations have provided added impetus to the Parliament's work to maintain excellence in its standards, to engage the people of Scotland in its work, and to respect the diversity of background and perspective of those people.

The vision of the Parliament is to make a positive difference to the lives of the people of Scotland. Through its work to implement the Commission's recommendations and to respond to the issues they have highlighted, the Parliament has committed to continuing to challenge itself over the coming years to ensure the long-term sustainability of that vision.

Annex 1: Presiding Officer's Advisory Group

The first recommendation of the Commission to be implemented was the establishment of the Presiding Officer's Advisory Group to oversee the delivery of the other 74 CPR recommendations [R73].

Chaired by the Presiding Officer and comprising senior Members of the Scottish Parliament, its remit was to maintain the momentum of the Commission's work by referring specific recommendations to the relevant parliamentary body, agreeing timetables against which progress can be tracked, providing an overview of progress and reporting at regular intervals.

Membership

Rt Hon Ken Macintosh MSP (Presiding Officer) – Chair
Jackson Carlaw MSP
Kenneth Gibson MSP
Alison Johnstone MSP
Johann Lamont MSP
Liam McArthur MSP

Annex 2: Our Approach to Engagement

As the Commission report recognises, one of the founding principles of the Parliament was to be an “open, accessible and, above all, participative Parliament, which will take a proactive approach to engaging with the Scottish people – in particular those groups traditionally excluded from the democratic process.”

As ever, the challenge is delivery. For the Parliament, that has meant making sure that the Commission’s recommendations are implemented in a way that they can be built upon in the years ahead.

Public engagement activities have always been an important part of the Parliament’s work and there have been notable achievements throughout the Parliament’s history, starting from its launch with, for example, a ground-breaking public petitions system and an ambitious education and outreach service.

At times, there has been a debate around the linkages between engagement work and other parliamentary strategic goals. For some, there was a view that engagement activities ran in parallel to, rather than being integrated with, the ‘core’ work of a legislature.

To address this debate, a fundamental reassessment of the Parliament’s public engagement strategy at the end of the last parliamentary session put an overt focus on activities to support the participation agenda. Through this strategy, the Scottish Parliamentary Corporate Body has chosen to commit to an engagement programme that improves the quality and visibility of the work of the Parliament.

The result is that the Scottish Parliament works to deliver the two central aims in its public engagement strategy:

- Improved awareness of the relevance and accessibility of the Parliament, particularly in under-represented groups; and
- Effective public participation in the work of the Parliament

The Parliament understands that a more participative form of democracy (as called for by the Commission) requires improved awareness of the work of the Parliament, whether that is through our work at Holyrood, online or in local communities across Scotland. As such, there must be close interplay between the activities that support the two aims.

Linked to this, one of the lessons the Parliament has learned in recent years is that effective parliamentary engagement demands integrated working by all parts of the Scottish parliamentary service. Multiple teams in the parliamentary service work together to agree shared engagement goals, identify the target audience and determine the best engagement tools to deploy.

The need for this work will only grow as more powers are devolved from Westminster to Holyrood. It is important that the people of Scotland know how and why decisions are made, and how they can get involved.

Annex 3: Summary of Recommendations and Actions

Recommendation		Action
R1	Parliament should put in place procedures for the election of conveners from the start of the next session.	The SPPA Committee will consider this following an assessment of the workload of Conveners.
R2	Whether conveners are then remunerated and/or receive additional resources for this role should be based on an objective assessment of their workloads and the expectations of their roles. This assessment should be part of a wider exercise considering additional remuneration for other parliamentary positions (such as party leaders) as referred to later in this report.	Parliament will take forward an assessment later in the session, following the review in R58.
R3	While overall committee membership should represent the balance of parties in Parliament, we agree with the SPPAC's recommendation that committees should normally have a maximum of seven members. We recognise this means that some smaller parties will not be represented on some committees.	Some Committees reduced in size already. New approach included in guidance for next session.
R4	Parliament should agree and make public a set of principles to inform: <ul style="list-style-type: none"> a. the decisions taken about the size of committees; for example, consideration might be given to larger committees where it is felt hearing all the parties' voices is important, such as in relation to constitutional issues; and b. how committee remits and names are agreed; greater transparency in this process would assist public understanding of the basis upon which committees are established. 	Set of principles agreed to be included in guidance and applied in the next session.
R5	We recommend the Conveners Group takes a greater role in developing a more strategic approach to scrutiny across committees.	Conveners Group holds regular strategic discussions.
R6	Greater weight and more time should be given to seeking views by alternative methods to committee meetings. (More information on those alternative methods is contained in part 4 of this report.)	New Committee Engagement Unit is taking this forward.
R7	Committees should consider undertaking regionally focused scrutiny as a way to enhance their understanding of the impact of national policies or legislation at local or regional level.	New Committee Engagement Unit is taking this forward.

Recommendation		Action
R8	The Parliament should review the dedicated resources available to committees to determine whether they are able to meet the future needs of parliamentary business and support more effective scrutiny.	Parliament reviewed this as part of its internal budgeting process and subsequently discussed it with Conveners Group.
R9	It should also review the range of mechanisms available to committees to benefit from expertise and experience other than through the formal appointment of an adviser	Conveners Group considered this in the context of R8.
R10	The practice of using scripted diary questions by party leaders should cease, with party leaders moving straight to their questions. As a result, the Business Bulletin would reference only the names, and not the first question, of the party leaders.	Parliament implemented this in September 2017.
R11	The opening question of other MSPs who are selected to ask a question at FMQs should also no longer be published, to ensure parity of approach. As a result, the Business Bulletin would only reference the names, and not the question, of those MSPs selected for a question at FMQs.	Parliament decided to retain publication of questions by other Members. Presiding Officer provides other opportunities to ask unscripted supplementary questions.
R12	The focus of questions in the chamber should be on quality of scrutiny rather than the quantity of questions asked. We recommend, therefore, the number of portfolio questions selected and published in the Business Bulletin be reduced.	Reduction in number of questions from 10 to eight to be brought in in early 2019.
R13	The relevant opposition spokesperson from each party who requests to speak during portfolio questions should automatically be selected.	The SPPA Committee agreed to reflect this in guidance as part of range of matters the Presiding Officer balances in calling questions.
R14	In view of the further devolution of powers and our proposals above, Parliament should review the range of question times available (portfolio and general) with a view to ensuring each portfolio area is scrutinised more frequently.	Extra question time to be brought in in 2019.

Recommendation	Action
<p>R15 The current three stage legislative process should be replaced with a five-stage process to include pre-legislative and post-legislative scrutiny. While the existing three stage legislative scrutiny process would remain at its core, committees should include pre- and post-legislative scrutiny in their work programmes. We recommend:</p> <p>a. Scottish ministers (or indeed members' or committee bill proposers) should provide a short statement in the chamber or relevant committee every time a consultation on proposed legislation is launched (potentially a new stage 1 of the five-stage process);</p> <p>b. the accompanying documents published with bills should provide more detail about the research and evidential base used to underpin that legislation; the following accompanying documents should also be provided upon introduction: business and regulatory impact assessments; equalities impact assessments; and key outcome measures which will enable the success of any legislation to be assessed;</p> <p>c. committees should be invited by the Parliamentary Bureau to set the timescale for completing their consideration of a bill;</p> <p>d. in addition to the SPPAC recommendations regarding presentation of amendments at existing stages 2 and 3, and a pause mechanism at stage 3, we recommend the rules relating to the stage 3 referral back to the lead committee be changed; we recommend it should be possible, in exceptional cases, to refer a bill back to the lead committee and the Delegated Powers and Law Reform Committee at stage 3; and</p> <p>e. the Scottish Government (or other relevant public body) should be required to provide the Parliament with a post-legislative statement a set period after a bill is passed (potentially a new stage 5 of our five-stage process).</p>	<p>Parliament has enhanced current legislative process by an added focus on pre- and post-legislative scrutiny.</p>
<p>R16 To provide a Scotland-wide approach and understanding of what constitutes good legislation, the Parliament should establish a Legislative Standards Body.</p>	<p>The SPPA Committee will monitor and scrutinise the development of good legislation.</p>

Recommendation		Action
R17	The Presiding Officer should have a stronger role in ruling on the conduct and content of parliamentary business and, in particular, oral questions and answers in the chamber to ensure a better balance between political debate and scrutiny in parliamentary business.	The Presiding Officer uses a variety of mechanisms to manage parliamentary business.
R18	A mechanism should be provided to enable MSPs to raise concerns with the Presiding Officer about any answers to written or oral questions which they do not consider meet the expectations of being accurate, truthful or where the response is inadequate. Such a mechanism would support the Presiding Officer in reducing unnecessary MSP interventions on this same theme.	The Presiding Officer already has power to rule on matter of fact. The SPPA Committee is considering potential further action.
R19	There should be a shift in focus from emergency questions to urgent questions to reflect more on significance or timing (rather than a crisis, which the use of the word emergency suggests).	The Presiding Officer uses temporary rule change to enable urgent questions taken on the same day.
R20	It should be for the Presiding Officer to agree whether any urgent questions should be taken in the chamber and for business on the day to be amended accordingly. Guidance on what could qualify as an urgent question should be provided.	The Presiding Officer uses temporary rule change to enable urgent questions taken on the same day.
R21	Parliament should agree and publish a more detailed description of the Presiding Officer's expanded role and responsibilities.	Parliament will do this once the Commission recommendations have had a chance to bed in.
R22	We recommend that each party or group represented on the Parliamentary Bureau should submit their proposals for the programme of business for the forthcoming weeks to the Presiding Officer before such proposals are then considered by the Parliamentary Bureau. This would replace the current practice where the Scottish Government proposes the programme of business for consideration by the Parliamentary Bureau.	Parliamentary Bureau has regular planning meetings and now enables greater input from all MSPs.

Recommendation	Action
<p>R23 We recommend that the Standing Orders of the Parliament be reviewed, in their entirety, towards the end of each session. This would utilise the knowledge and experiences of members as they approach dissolution and would enable a measured and holistic approach to rule changes.</p>	<p>After consultation with users, the SPPA Committee has established a log of Standing Order changes which will be reviewed at the end of the session.</p>
<p>R24 A systematic review of Standing Orders should be undertaken to ensure that it is diversity sensitive and inclusive to facilitate equal and effective participation by MSPs in all business.</p>	<p>The SPPA Committee considered a range of potential changes and agreed to focus on supporting Members with children, particularly nursing infants.</p>
<p>R25 As a first step, committee membership should reflect the gender balance of MSPs in the Parliament. This approach should then be expanded to other protected characteristics* once better diversity in representatives is achieved.</p> <p><i>*The Equality Act 2010 sets out 9 protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.</i></p>	<p>Gender balance included in the principles to inform the establishment of committees.</p>
<p>R26 Parliament should report on key aspects of parliamentary business and MSPs by protected characteristic. Subsequently the Parliament, political parties and others should work together to agree benchmarks for what is desirable in terms of diversity in candidates for Scottish Parliamentary elections and set a realistic timetable for achieving this.</p>	<p>All current MSPs will be surveyed to capture statistics on all protected characteristics.</p>
<p>R27 Parliament should also be proactive in promoting a range of measures to bring diversity into the Parliament.</p>	<p>Parliament is implementing an action plan to increase the diversity of Committee witnesses.</p>
<p>R28 The Parliament should ensure that additional diversity expertise is available for a fixed period to enhance committees' awareness of diversity issues when undertaking scrutiny work.</p>	<p>The new Committee Engagement Unit is working on action plan to increase the diversity of Committee witnesses.</p>

Recommendation		Action
R29	The Parliament should report on the diversity of all those who have special access to the Parliament through the provision of parliamentary passes.	Security Office will provide recommendations to SPCB on this.
R30	We refer the proposals raised with us on the Parliament's role as a human rights guarantor to the Equalities and Human Rights Committee to inform its inquiry work on this matter. We recognise the importance of the proposals made to us and consider that some of our other recommendations may also promote the delivery of a stronger human rights role for the Scottish Parliament.	Equalities and Human Rights Committee recently reported, with 40 recommendations for public bodies, including the Parliament.
R31	Building on the success of the Parliament's outreach work, the Parliament should empower those people already engaged with it and active in their local communities to act as advocates for the Parliament.	Participants in outreach activities receive "Open" campaign leaflets. Work under way to trial an online quiz for participants that can be used in advocacy work post-participation.
R32	Parliament should also provide greater and easier access to information about the Parliament in a variety of formats. Such information should be able to be displayed locally and updated with the contact details of newly elected regional and constituency MSPs. (This was a regular request made to us by organisations with whom we met).	Public Information and Resources have distributed resources to public and college library services and MSP offices in eight parliamentary regions. A regular pattern of contact has been established.
R33	In addition, Parliament should work with the education sector and others to explore how education about the role and purpose of Parliament can be enhanced in primary and secondary schools, including the 14+ age group who do not opt for a Modern Studies course, so that all young people have adequate information before voting for the first time.	Education team has delivered two programmes to high schools in PSE and media studies and has two other subjects in development: maths, photography.
R34	The Parliament should improve facilities for the media to provide greater flexibility as to where they can interview people within the Parliament building and we welcome the Scottish Parliamentary Corporate Body (SPCB) review of this policy.	Parliament has introduced a new protocol after consultation with the media based at Holyrood.

Recommendation		Action
R35	As part of its media protocol, the Parliament should agree with the Government and the media a clear understanding of the terminology to be used when referring to Parliament and Government.	This issue is a feature of regular meetings between Parliament and the media.
R36	Committees should be able to decide themselves whether to meet at the same time as the chamber	Parliamentary Bureau has created more opportunities to allow this.
R37	While committees should have priority in using committee rooms, the Parliament should also consider using a committee room to hold parallel debates as a way of providing additional opportunities for chamber business.	Parliamentary Bureau considers this as part of its strategic meetings.
R38	Different committee and chamber meeting patterns should be considered over the session to enable the Parliament to address the changing requirements for additional committee or chamber scrutiny time.	Parliamentary Bureau considers this as part of its strategic meetings, particularly in context of Brexit-related scrutiny.
R39	Once our recommendations in relation to fully utilising the existing capacity are in place, the Scottish Parliament should set a timetable to review whether the Parliament is working at peak effectiveness and, if so and if necessary, what the next steps to increasing capacity should be.	Parliamentary Bureau will consider this as part of strategic meetings.
R40	The Parliament should work with Scotland's Futures Forum to develop a programme of specific proposals for engaging with and considering long-term issues. There should be a role for cross-party back bench MSPs in particular to identify, promote and decide proposals for consideration by the Forum.	New process implemented to give MSPs greater input into work programme.
R41	As part of this approach, the Parliament should fund a specific number of proposals to be agreed by cross-party MSPs for taking forward by the Forum. The Parliament should identify the key elements and outcomes of any proposals to be made to the Forum before funding is agreed.	New process allows for Parliament to fund specific proposals.
R42	The SPCB and the Scottish Futures Forum should provide transparency about the nominations and appointments process for its board members.	Information about nominations and appointment process for Futures Forum directors is on its website.

Recommendation	Action
<p>R43 The procedures of the Parliamentary Bureau should be reviewed to:</p> <ul style="list-style-type: none"> a. enable MSPs to observe parts of its proceedings; b. ensure that the views of either individual MSPs not represented on the Parliamentary Bureau or groups of mixed affiliation MSPs are taken into account (including providing for them to have speaking rights at the Parliamentary Bureau and in the chamber); c. enable each party or group to open and close debates but with the time allocated reflecting their party balance in Parliament (we recognise that, for small parties, this may mean they have less speaking time than those in open debate); d. enable all parties or groups to be able to ask a question following a ministerial statement (as a result we consider that the time available for a ministerial statement should enable all parties or groups on the Parliamentary Bureau to ask a question); and e. provide a more detailed business motion for the forthcoming three weeks of chamber business. 	<p>Parliamentary Bureau has agreed that there is scope for non-Bureau members to attend strategic planning meetings, all Members have the opportunity to raise items on the business programme, all parties are called to speak earlier in all debates, and more business is scheduled in the business programme further in advance.</p>
<p>R44 In order to foster a greater sense of ownership of the business programme, any member of the Parliamentary Bureau should be prepared to propose the business to the chamber and where necessary respond to questions on it.</p>	<p>Any Member of the Bureau may now move a business motion and respond to any issues raised or comments made by other Members.</p>
<p>R45 Time should be provided in the chamber at the end of each week for questions on the forthcoming business programme.</p>	<p>This opportunity is part of the new process for business motions.</p>
<p>R46 The Parliament should establish a back-bench committee or group to provide these MSPs with a voice in how parliamentary business is determined.*</p> <p><i>* Jackson Carlaw MSP did not support this recommendation.</i></p>	<p>Parliamentary Bureau rejected the recommendation, given the other changes taking place.</p>
<p>R47 Time should be set aside at each chamber meeting to allow committees to announce the launch of significant or urgent inquiries or to set out the findings from a recently published committee report.</p>	<p>The business programme now includes time on Tuesday afternoon to allow committees to make announcements.</p>

Recommendation		Action
R48	The Parliament should provide a mechanism for ministers to announce to Parliament (either in committee or in chamber) when they receive Scottish Law Commission reports proposing law reform.	The Scottish Government will inform the Parliamentary Bureau when it receives such a report.
R49	In response to losing a vote in the chamber, the relevant minister should be required to return to the chamber to address any concerns raised in the debate within an appropriate timescale agreed by the Parliamentary Bureau.	The Scottish Government will respond to defeats in the Chamber and to any calls on it set out in a parliamentary resolution within a reasonable time and in an appropriate manner.
R50	The Parliament should provide a better balance in who speaks in debates by adopting a more flexible approach. This could be achieved by: <ul style="list-style-type: none"> a. members requesting to speak in debates by notifying the relevant parliamentary staff (in sufficient time to inform the suggested length of the debate); b. enabling greater flexibility in the approach to allocating speaking time, for example enabling MSPs, by agreement, to reallocate their time to another or allocating total speaking time to each party; and c. providing for longer back bench speeches. 	Parties invited to use time more flexibly, and have done so on occasion. Members reminded that they may approach the Presiding Officer if they wish to take part without necessarily being nominated by their party.
R51	The Presiding Officer should be able to depart from party balance in calling back bench speakers in order to take account of a wider range of viewpoints, or MSPs with particularly relevant skills or experience to contribute on an issue.	The Presiding Officer takes account of the viewpoints of all MSPs and is alert to the need to treat all Members fairly.
R52	The Presiding Officer should, in exceptional cases of high demand, be able to extend statements, and decision time by up to 30 minutes to accommodate more speakers.	Any decision to extend business would be taken only where it is unavoidable. The Presiding Officer ensures business can run appropriately by changing the number of speakers or speaking times.
R53	The Presiding Officer should meet with party representatives and agree key principles of when party discipline is appropriate in parliamentary business.	The Presiding Officer has ongoing dialogue with party representatives, and so has opportunities to discuss any concerns that may emerge.

Recommendation		Action
R54	Where the Scottish Government proposes to legislate on the same proposal for a member's bill then a member's bill should not be automatically stopped from progressing. In those circumstances, the parliamentary procedure should encourage collaborative working.	The SPPA Committee has agreed to recommend changes to modify the Scottish Government's role.
R55	Once this change in approach is implemented, the Parliament should review, and if necessary increase, NGBU resources available to support the members' bills process.	Resources will be reviewed following implementation of the change.
R56	The current CPD programme for MSPs should be extended to support MSPs in fulfilling their role as parliamentarians as distinct from that of representing their party and community. It should include training in: <ul style="list-style-type: none"> a. diversity and equalities; b. financial and analytical skills; and c. human rights (we note that the Equalities and Human Rights Committee is already considering this issue). 	Diversity and budget training provided; the next phase of the MSP continuing professional development programme is in planning.
R57	Early in each session MSPs should receive support (and practical resources) to enable them to proactively promote the role of the Parliament and the value of engaging with it.	Parliament will build this into work for the 2021 election.
R58	The Presiding Officer and SPCB should establish a working group to consider the case for increasing resources for MSPs as part of a strategic review of funding for the different roles MSPs can undertake (such as committee convener).	Parliament has commissioned a review to report in autumn 2019.
R59	The working group should also consider the extent to which any additional funding or resources would support more diverse range of MSPs.	Parliament will consider this after the review under R58.
R60	This should be undertaken after the Scottish Parliament has decided whether to accept and action our other recommendations, so that the case for additional resources can be considered with an accurate picture of members' workload.	Parliament will consider this after the review under R58.
R61	As part of any strategic review the working group should also consider whether the amount of funding, allowances and payments available to party leaders and parties should be increased.	Parliament has commissioned a review to report in autumn 2019.

Recommendation		Action
R62	The Parliament should establish a dedicated team whose main purpose is to support (and challenge) committees to undertake more innovative and meaningful engagement – a Committee Engagement Unit.	The Committee Engagement Unit has been established, with five members of staff.
R63	A more systematic review of how Parliament evaluates all its engagement activities should be undertaken with a view to developing a more sophisticated system, drawing on external expertise and skills where necessary.	The Committee Engagement Unit is taking this forward.
R64	The proposed Committee Engagement Unit should develop and trial new emerging technologies and increase skills and knowledge in more tried and tested digital technologies.	The Committee Engagement Unit is taking this forward.
R65	The Scottish Parliament should review its digital communication strategy and consider the findings of the report of the National Assembly for Wales as part of its review.	The Parliament is implementing this through its web and online programme.
R66	As part of moving towards a more participative approach to scrutiny as envisioned by the CSG, the Committee Engagement Unit should pilot mini-public approaches.	The Committee Engagement Unit is taking this forward.
R67	The Parliament should develop a proportionate but personalised system of feedback to those who engage with it. Committees should provide meaningful feedback as an important part of the process of producing their final report.	The Committee Engagement Unit is taking this forward.
R68	In addition to giving greater prominence to the Parliament's online glossary, the systematic reviews of the Parliament's rules we have recommended should include reviewing, and where appropriate, modernising the language used.	The SPPA Committee agreed to recommend the modernisation of language where possible in future changes.
R69	The Scottish Parliament should agree good practice for parliamentary consultations including a recommended consultation timescale.	This has been implemented and published on the Parliament's website.
R70	The Parliament should work with COSLA (and any council not in COSLA) to agree a protocol recognising its distinctive role in local democracy. It should set out the Parliament's relationship with local government such as the protocol which already exists between the Parliament and Scottish Government in relation to committee business.	Discussions are taking place between COSLA and the Parliament.

Recommendation		Action
R71	Given the elected and diverse nature of the Scottish Youth Parliament (SYP), the Parliament should develop its relationship with it by providing an opportunity at least annually for MSPs to meet with their counterpart MSYPs and facilitate closer links between the work of each Scottish Parliament committee and its relevant SYP committee.	A closer working relationship has been agreed between Scottish Parliament officials and Scottish Youth Parliament.
R72	Committees should build on the engagement potential of the SYP to broaden the range of youth voices informing parliamentary scrutiny.	A closer working relationship has been agreed between Scottish Parliament officials and Scottish Youth Parliament.
R73	The Parliament should establish an Implementation Group to provide the necessary institutional impetus to deliver the report recommendations across the Parliament and should be led by the Presiding Officer	The Presiding Officer's Advisory Group oversaw the Parliament's work in response to the Commission recommendations.
R74	In relation to taking forward the recommendations in our report, the Parliament should ensure that diversity and inclusion are considered as part of any changes to Standing Orders and parliamentary practice. Monitoring and evaluation of any changes should also take place to ensure there are no unintended negative impacts on diversity.	Diversity has been considered throughout implementation period.
R75	Following a period of bedding in, the Parliament should review the operation, capacity and effectiveness of the Parliament no later than the latter part of session 6.	The Parliament will undertake the review.

