

*Towards a World Class Parliament?*

*Reflecting on whether the right ‘checks and balances’ are in place to ensure effective parliamentary business*

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*“Let me say now that if Members from either side want to shout out, they should not bother to stand, because they will not be called. I say that to Members on both sides—stop it. It is juvenile, low grade and hugely deprecated by the public, whose support we should be seeking and whom we should try to impress, not to repel.”*

- *John Bercow MP, Speaker of the House of Commons, during the Autumn Statement, 23 November 2016*

### Some Symptoms

Contemporary politics is perceived by many to be polarising, positional, parochial, unnecessarily partisan, antagonistic and often unhelpfully adversarial. This can be attributed to a number of historical and behavioural factors, including the primacy of political parties, the often binary (yes/no, right/wrong) nature of political decision-making, relatively unsophisticated argument, over-emphasis on debate, and personalisation of issues resulting in animosity, attack and defence on an individual basis. An idea, however sensible, will often be dismissed because of who presents it.

This can result in classic zero-sum outcomes with “winners” and “losers” on the political stage but sub-optimal policy decisions and loss of focus on the true interests and needs of those affected. Such thinking can be inimical to achieving maximum economic and social performance and use of scarce resources, especially in an uncertain, ambiguous and complex world. It is now well established in many disciplines that cooperation tends to produce more effective outcomes. Indeed, the zero sum approach of the adversarial process can be very damaging to an economy and a society. Suppose that it is the case that adversarial politics produces sub-optimal results for local communities? What then? Suppose that what is in a one party’s interests is inconsistent with the national interest?

There is, separately, also a serious issue about the use and allocation of time and the absence of opportunity for MSPs and others to consider and prepare effectively for important parliamentary work, including on committees.

These symptoms are particularly concerning at a time of reducing public resources and increasing powers being devolved to Scotland. They can also lead to inadequate accountability, scrutiny and review of legislation and policies, both before and after implementation, and relatively poor policy making and legislation. Overall, the result can be loss of public confidence, belittling of politics and politicians, mirroring of behavior in other public contexts, and damage to parliamentary democracy overall.

### Some Remedies

Overall, there is a need for more creative and interest-based approaches to policy-making and future planning in order to maximise use of resources and powers and to minimise unnecessary wastage. Some of the remedies lie in enhancing the performance of public servants and officials generally. In the context of the work of the Commission, this could involve helping members of the Scottish Parliament and those who support them to be more effective in analysis and assessment of policy, more creative and constructive in developing and assessing the options, and more skilled in the areas of scrutiny, communication, preparation and respectful dialogue.

In parliamentary matters, the value of dialogue rather than debate, working creatively together to understand better the real underlying issues and choices/options available, rather than seeking to knock each other’s arguments down, could be a model for even more constructive activity in an even more mature Scottish

Parliament.<sup>1</sup> This is because issues are rarely purely binary and black or white. Indeed the adversarial, debate-based parliamentary model is often singularly unsuited to the complexities of, for example, modern health service delivery, achieving appropriate educational standards, developing a modern infrastructure, assessing difficult taxation and economic issues and so on.

It is well understood that effective decision-making requires full dispassionate, open exploration of all the underlying factors, including those which are hidden by institutional and individual inertia and fear. The means to do so are often a function of competency and skill. Similarly, once the real underlying problems, concerns, fears, hopes, values, motivations and interests are understood, decision-makers are much better placed to identify, again dispassionately, multiple options and to assess and evaluate their potential against a range of appropriate criteria. This enables those responsible for policy and decisions to propose solutions which are of high quality and more likely to be sustainable, durable and effective.

Similarly, follow through in the sense of ongoing regular review of decisions and legislation against pre-determined criteria and benchmarks would enhance the scrutiny and accountability function – and encourage ongoing learning, rather than merely a superficial fault-finding exercise if things subsequently appear to go wrong.

None of this is new. This type of thinking should be recognised in all good businesses and organisations. However, in reality, parliamentary decision-making does not always operate in this way. That will be a function of political partisanship, expectations and pressures. It could also, however, and as noted earlier, be a function of lack of competency and skill, a presumed deficit which can be overcome at least in part by a good training programme.

Finally, the use of language and tone, and the building of relationships and trust across political boundaries, is critical to a new approach. So much can be achieved by a careful choice of words, reframing, separating people from the problem, and a manner which is measured and respectful. At the time of the referendum on independence, Collaborative Scotland proposed these commitments in order to underpin a more respectful approach to political dialogue generally:

- **Show respect and courtesy** towards all those who are engaged in these discussions, whatever views they hold;
- Acknowledge that there are **many differing, deeply held and valid points of view**;
- **Use language carefully** and avoid personal or other remarks which might cause unnecessary offence;
- **Listen carefully** to all points of view and seek fully to understand what concerns and motivates those with differing views from our own;
- **Ask questions** for clarification and when we may not understand what others are saying or proposing;
- Express our own views **clearly and honestly with transparency** about our motives and our interests;
- Respond to questions asked of us with clarity and openness and, whenever we can, with **credible information**;
- **Look for common ground and shared interests at all times.**

Politicians could be encouraged to adopt these in their work. This is not a plea for soft, consensual, “touchy feely” politics. It is a plea for rigorous and robust discussion of the real issues, accompanied by respect for others, whatever views they may hold, and courtesy and dignity in the political process.

## Proposals

**1. A Strategic Plan** should be introduced for the **formal, structured, systematic skills-based training** of all MSPs, support staff and others in relevant areas of parliamentary work. This would include, for example, effective methods for: preparation and analysis of policy and strategy; working collaboratively in committees; the role of committee conveners; scrutiny techniques applicable pre- and post- legislation and to other decision-making (including, critically, effective questioning in a number of settings); use of language; and tools for risk analysis and problem-solving and effective decision-making. Understanding the practical application of economic ideas such as game theory is important, to exemplify the benefits of reciprocity and mutual gains rather than zero sum outcomes. The plan would include consideration of the latest developments in professional training, group and individual

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<sup>1</sup> see note 1 below

behaviour, psychology, neuro-biology, performance under pressure, risk, and performance review. Modules in the practice of economics, accounting, funding models, and other general topics such a use of time, could be offered.

It is noted that senior judges, lawyers, doctors and many other professionals in public and private service undertake continuing professional training. A world-class Scottish performer, Andy Murray, has achieved that world-class performance by seeking out and using the best coaching throughout his career. At the heart of enhanced performance are skills, competency, capability and capacity, leading to professional confidence, with a positive attitude and awareness. These can be taught and learned and this can be expedited with the provision of the proper resources. Marginal improvements and even minor changes in habit can make a huge difference to performance and outcomes. One well framed question in committee may save millions of unnecessarily spent pounds. One incisive analysis of inconsistent facts presented by a minister may lead to a major policy alteration. And so on.

Follow up is essential to ensure progress and sustainability. It is recognised that there may have been frustration about a lack of consistency and follow through in training in the Scottish Parliament over the years.

It is strongly arguable that a structured training programme is not a 'nice to have' or a luxury, but a necessary investment which could, over time, make a significant contribution to increasing parliamentary effectiveness and enhancing individual and collective performance, improving political decision-making and making politics (and parliamentary democracy) appear more professional, relevant and credible to the wider population.

**2. An annual audit** could be conducted, perhaps by a university, to review the extent to which MSPs adhere to objective benchmarks such as those of Collaborative Scotland, set out above. This would be aspirational in its ambition, with support for feedback and development. MSPs could be invited to commit to the eight propositions. A working title for the project might be: *The Beyond Adversarialism in Politics Project Scotland (BAPPS)*.

**3.** Encouragement could be given to political parties to identify common ground and to publish a **Joint Manifesto for Scotland**, on an annual or biennial basis, setting out agreed overall strategies for Scotland, and clearly identifying where and how differences exist and how the parties propose to address these. This would encourage more collaborative working across parties and a sense of common purpose, while recognising and informing the public where differences really lie. This would enable focus to shift, at least to some degree, from difference to common ground, of which in private there is usually much more than politicians easily disclose in public. Such a shift seems highly desirable.

**4. A Scrutiny Skills Annual Forum** could be established as a place for learning best practice in parliamentary democracies with and from colleagues in other jurisdictions. There is much to gain from cross-fertilisation of ideas with other UK parliaments and assemblies and from being seen to lead the way.

**5.** The use of **skilled third parties**, to help facilitate discussions in committees or to act as support for chairs and others, should be considered. These would not necessarily be subject-matter specialists but process facilitators, helping to ensure optimisation of scrutiny and decision-making.

### Concluding Remarks

There is a sense in which this is really about maturity: politics in many ways, not least with its deferential hierarchies and squabbling, can seem child-like and immature at times. The work of the Commission offers a real opportunity to encourage greater maturity in politics in Scotland and in the Scottish Parliament - and to lead the world in a new way of doing politics. It will encourage building on existing skills and experience, in what is after all the evolution of a relatively young institution.

To quote the first President of the Czech Republic, Václav Havel: *"In other words, if there is to be any chance at all of success, there is only one way to strive for decency, reason, responsibility, sincerity, civility, and tolerance, and that is decently, reasonably, responsibly, sincerely, civilly, and tolerantly. I'm aware that, in everyday politics, this is not seen as the most practical way of going about it."*

It is perhaps time to change this perception about what is most practical so far as it applies to and in Scotland. This is an opportunity for leadership. The window of opportunity may not be open for too long.

### Background information

This note is offered by John Sturrock QC, the founder, senior mediator and chief executive at Core Solutions Group ([www.core-solutions.com](http://www.core-solutions.com)), Scotland's pre-eminent mediation service in the private and public sectors. As a mediator, John Sturrock has worked throughout Scotland, the rest of the UK, Ireland, mainland Europe, the Middle East and Africa. He is also a coach and facilitator, regularly leading training for senior executives, managers, sports people, consultants, church leaders and others. He is also a Visiting Professor in the School of Social and Political Science at the University of Edinburgh.

*In particular, since 2003, John Sturrock has conducted training in various parliaments and assemblies in the UK. He conducted initial training with the Justice 1 Committee, as it then was, of the Scottish Parliament and since then he has worked regularly with many committees in the Scottish Parliament, extensively with Committees in the Northern Ireland Assembly, with a number of Select and other Committees in the House of Commons, with several committees in the National Assembly for Wales and also with members in various groupings in the States of Jersey and Guernsey and the London Assembly. He has also worked with party political groupings in a number of parliaments and with groups of chairs and individual members, including chairs, in one to one coaching, in each jurisdiction. He is a special adviser to the Public Administration and Constitutional Affairs Committee of the House of Commons.*

His work in this field has focused on the skills of effective (i) *scrutiny (especially questioning and preparation techniques)*, (ii) *working in committees*, (iii) *chairs meetings of committees*, (iv) *cross-party working and its benefits*; (v) *overall strategy-making and benchmarking success*, together with personal development for individual members.

In a paper entitled *Reflections on Continuing Professional Development for Members of Select and other Parliamentary and Assembly Committees*, John Sturrock sets out a number of areas for development in the work of members of parliaments around the themes of Purpose, Preparation and Performance. Members are referred to this paper [here](#) and to the many questions posed in the notes accompanying the Lecture referred to below [here](#).

He has also worked with the Scottish Parliament's executive team, many senior officials in the Scottish Government, Cabinet Office and others responsible for effective strategy, decision-making, negotiation, and management of difficult situations. He has undertaken work in connection with intra-government relationships. He led Collaborative Scotland in the run up the independence referendum: [www.collaborativescotland.org](http://www.collaborativescotland.org).

Recently, John Sturrock gave the University of Edinburgh Academy of Government Annual Lecture with the title: *"Beyond Adversarial Politics: Reaching for the common good through respectful dialogue"*. He is also a regular writer on the adversarial, positional nature of politics and the prospects of a more mature, interest-based approach, with a focus on common ground and, in Scotland's case, the interests of the people of Scotland. For example: <http://www.core-solutions.com/blog/putting-away-childish-things/>

### Notes

1. The first President of the Czech Republic, Vaclav Havel, in a brilliant essay, *"Politics, Morality and Civility"* ([here](#) – and with several quotations from the essay in the Lecture notes [here](#)), suggested that economic improvement was dependent on civility.
2. Many argue that there is a need to understand better the areas of *behavioural psychology and neuro science* (and neuro-politics) in order to appreciate the impact of, for example, the fight or flight instinct (Systems 1 and 2 as described by Daniel Kahnemann in *Thinking, Fast and Slow*) on how politicians and others behave under pressure. Training undergone by Olympic sportspeople, which is designed to maximise excellence in performance under extremely pressurised circumstances, offers a good illustration.

Research and training could also be useful in what are known as *cognitive biases* (confirmation bias, reactive devaluation, endowment effect, attribution error, group think, peer pressure, wilful blindness, ladder of inference, system inertia, and so on). This reminds us that there is now available much learning about how the brain works and how our minds think, which can help both explain why politics can seem so adversarial and tribal and how we might learn to do things differently.