

Commission on Parliamentary Reform

Workshop with former MSPs - Monday 5 December 2016

Meeting notes

Summary from table discussions

Table 1 (Members who left at the end of Session 1 and 2)

We asked:

Q1. In thinking about your experiences both in the Parliament and since you left, has your perception of the Parliament's identity changed and if so, how?

Q2. In considering who the Parliament engages with, how do you think the Parliament can improve – have your views changed over time?

Q3. Having worked with the Parliament's procedures relating to scrutiny and legislation, which ones need changed and how?

You said: The following points were raised over the course of the discussion—

- In terms of the Parliament's distinct identity, it was felt there was generally a positive view of the Parliament held by the public.
- It was also felt the level of party discipline impacted on the ability of the Scottish Parliament to develop its own distinct identity.
- Members' capacity was limited in terms of the time, staff and allowances available.
- It was felt the role of parliamentary oversight and scrutiny was impacted by party discipline and government control of the parliamentary agenda. It was argued there are "not enough mechanisms to give the parliament 'teeth'".
- The role of elected committee conveners, as an individual endorsed by the whole Parliament to hold that position, was discussed as a way to encourage committees to be more independent and undertake a stronger scrutiny role.
- The limitations placed on committees due to their government-led workload (especially those committees with a heavy legislative timetable). It was agreed committees need greater control over their work programmes, more "time to make an impact" and to be more independent from the government.
- It was generally felt that more parliamentary time should be given for non-government business.
- The issue of whether more MSPs were needed to undertake the necessary level of scrutiny was discussed.
- In relation to the scrutiny of government legislation, it was felt that more 'space' should be given and that there can be too much government pressure over the process.
- The need for 'outside' legal advice to assist scrutiny of legislation.
- Stage 2 of the legislative process was suggested as an area in need of reform. It was felt this is the most appropriate point at which to undertake effective scrutiny of legislation since the 'general principles' of the policy were considered at Stage

1 and the detailed consideration of whether the legislation would achieve these general principles took place during the 'line by line' scrutiny at Stage 2. It was argued, however, that Stage 2 didn't really offer 'line by line' scrutiny as, in reality, only amendments are discussed in detail. It was also felt there were too many technical amendments lodged at Stage 2 which further takes attention away from detailed policy scrutiny. It was felt members should be allowed to see all legal advice provided by government and parliament officials.

- It was also argued that more should be done to facilitate 'pre-legislative' scrutiny which would, in turn, extend the number of stages to the legislative process.
- Members should be offered legal advice when drafting amendments.
- The need for increased resources for members' bills.
- Whether the high number of bills introduced in previous sessions, and resulting 'squeeze' on non-government business, was necessary.
- It was felt that members at Westminster had more time and 'space' to fulfil their parliamentary roles, both in terms of scrutiny of legislation, select committee and constituency work.
- There was some discussion about the parliament being 'family friendly'. There was some concern this gave the impression it operates on a part-time basis. There was also a strong feeling three days does not provide enough time to do the work of the parliament, especially with the additional powers. It felt it also does not recognise the time spent on parliamentary business at weekends and evenings.
- There should be more scrutiny of other public bodies, such as NHS health boards, and these bodies should be required to provide more information for this purpose. The paucity of responses to PQs from some of these bodies, and lack of process to address this, was highlighted. It was argued the PO should take the lead on improving the quality of these. Using FOI requests was discussed as an alternative form of finding out this information.
- Relationships with the third sector.
- More control should be given to the PO to determine the timetabling of legislation.
- The process by which members' debates are selected was discussed. It was argued that a fairer method – other than individual motions being put forward for consideration by business managers – should be used. Consideration should also be given to votes at the end of member's debates.
- The creation of a backbench committee with responsibility for allocating, for example, members' debates, was discussed. It was felt this would help counterbalance the dominance of the government in setting the timetable and wider parliamentary agenda. The backbench committee should be elected via a secret ballot.
- Although it was recognised to be outwith the scope of the Commission, the impact of the wider culture of party discipline, and the mechanisms used to maintain discipline, on members' behaviour was discussed.

We asked: What are the top three recommendations?

You said:

The three recommendations to the Commission were—

1. Giving members access to better legal advice from a range of sources to ensure legislation was not subject to future legal challenge;

2. Improve the capacity of the committee system with more time and resources as well as elected conveners to increase their independence; and
3. A backbench committee should be established with powers, for example, to decide members' business debates and take forward concerns such as the lack of information provided to Parliament.

Table 2: former MSPs who left at the end of Session 1 or 2

Chair: John McCormick

We asked:

Q1. In thinking about your experiences both in the Parliament and since you left, has your perception of the Parliament's identity changed and if so, how?

Q2. In considering who the Parliament engages with, how do you think the Parliament can improve – have your views changed over time?

Q3. Having worked with the Parliament's procedures relating to scrutiny and legislation, which ones need changed and how?

You said:

- More cross party working would be welcomed
- there was a perception of a deficiency in scrutiny - select Committee reports (from House of Commons) given more weight than Scottish Parliament Committee reports;
- Committee Bills were seldom used but:
 - they were good for building consensus;
 - they need space in Committees for scrutiny and more support and resources
 - could be crowded out by the Scottish Government programme
- Members Bills utilised members expertise but needed more resources
 - some suggested the raffle system used for selecting private members Bills at the House of Commons should be considered;
 - some suggested that the veto power of the Scottish Government (to stop Members Bills on which they will also soon legislate) should be removed and instead the Scottish Government should work with the member on the Bill;
 - it was acknowledged that some small bills do get support (such as the Register of Tartans Bill)
- the Scottish Parliament was perceived to be stuck in a rut;
- the principle of consensus was meant to be more about open debate than everyone agreeing with each other;
- There was a discussion about the role of the individual member including:
 - how difficult it was to be elected as a true independent (most had come from a party base);
 - Some suggested that the party bosses have too much power and given this some questioned whether Presiding Officers and Deputy Presiding

Officers could really ‘take account of the interests of all members equally’ [Rule 3.1.3]

- There was a discussion about how as a ‘new’ Parliament there was too much legislation (and that this approach had persisted over the sessions including during minority government). It was questioned how effective it had all been given there was not enough post legislative scrutiny;
- there was a discussion about how the scrutiny of Committees could be enhanced. Options included:
 - appointing an independent counsel to each Committee whose role it would be to provide advice (but not fetter), to take forward issues, to ask questions and to ensure that legal issues could be considered (such as when amendments were taken forward); would be more than an advisor;
 - there was recognition that Committees do work well and can appoint advisors if they wish;
 - It was important for this to be acknowledged by the Commission as an issue and for a better solution to be looked for;
 - better use should be made of previous Committee reports with some observing that the same inquiries were repeated by successive Committees (should there be a longer term learning process by each new Committee?)
- There was concern about tribalism – which occurred under the radar and was about the party ensuring members followed their party line (‘whipping’)
 - should party whipping be stopped for Committees (but would this mean much longer Party group meetings in order to reach an agreed view)
 - some suggested that there should be a difference between members adhering to the party position based on a manifesto pledge and all other policies. However from day 1 of the Parliament the party position in all areas had been enforced.
- The role of legal advice in relation to subordinate legislation was discussed where lawyers from the Scottish Parliament and Government might be brought together to discuss issues;
- The role of elected Conveners was discussed – noting that in the House of Lords the members of the Committee elected the Chair but the party agreed; it was suggested that for elected Conveners to work at the Scottish Parliament it would need to be a secret ballot.
- There was an acknowledgement that there was a relatively small number of members available for scrutinising larger and more significant pieces of work;
 - some questioned whether more MSPs were needed given the new powers being devolved.
 - it was suggested that there should be recognition from the Scottish Government of the finite amount of Parliamentary time and resources.

- Some highlighted that the overall voting system should be revisited given the different voting system for each election – an approach which was established early on and quickly (some suggested that the regional lists system should also be revisited)

Parliamentary Engagement was discussed including:

- acknowledging that Committees in Sessions one and two met outside the Parliament often as well as the Scottish Parliament meeting outside Edinburgh;
- Was the challenge of quality engagement reflective of wider challenges of political engagement? in that regard the relevance to people of the issue on which engagement was sought was seen as important;
- Some highlighted the need to ensure that local and national democracy recognised each other's role and purpose;
- There was some agreement that the impact of any engagement was more important than the numbers who engaged;
- The high quality of the Scottish Parliament's outreach programme from the start of the Parliament was acknowledged and identified as continuing to be exceptional;
- It was acknowledged that less formal ways of engaging could provide better quality evidence and that the Parliament was seen as open; however that had to be separated from the issue of whether people could influence decision taking;
- There was some concern that for members and the Parliament the issue of how to better manage the excessive time and resource used by dealing with a small band of persistently vexatious people had yet to be cracked.

We asked: What are the top three recommendations?

You said:

- enhanced support for individual member's role (including Bills)
- better law making with independent challenge, scrutiny and impact
- create more space for legislative initiatives from individual members and committees (less dominated by the Scottish Government's programme).

Commission on Parliamentary Reform

Workshop with former MSPs - Monday 5 December 2016

Meeting notes

Summary from table discussions

Table 3 (Members who left at the end of Session 2 and 3)

We asked:

Q1. In thinking about your experiences both in the Parliament and since you left, has your perception of the Parliament's identity changed and if so, how?

Q2. In considering who the Parliament engages with, how do you think the Parliament can improve – have your views changed over time?

Q3. Having worked with the Parliament's procedures relating to scrutiny and legislation, which ones need changed and how?

You said: The group discussed the various issues listed below. Not all areas were agreed by all members of the group.

Committees

- Elected conveners would carry authority across Parliament and parties
- Parliament should consider remuneration for conveners
- Key committees such as Finance should have conveners from non-government parties.
- Lack of continuity of membership of committees is a problem – difficult to develop expertise in subject areas.
- Not enough time given for budget scrutiny by committees
- Committee legislation has never been prioritised
- Commission should ask whether there are enough resources for effective scrutiny
- Public perception focusses on the Chamber and not on committees

Scrutiny

- With additional powers and greater workload concern expressed about whether there is enough time available for effective scrutiny
- Should consider whether 129 MSPs are still adequate
- The professionalism of SP staff is valued but should consider whether additional resources are needed with the increase in workload

- Need to look at legislative process. E.g. Stage 3 amendments often pass with no consultation taking place

Post-legislative scrutiny

- Now that Parliament is more established and time elapsed since legislation introduced more time should be given to post-legislative scrutiny
- Conveners need to take a strong lead to ensure this is achieved
- Co-opted members could add value and expertise (beyond the usual suspects)

Engagement

- Committees should ask people with life experiences of issues to be involved at the start of process so that barriers and challenges are identified before inquiry strategies are decided
- Petitions - perception that a greater percentage of petitions now come from organisations rather than individuals compared to first few years
- Perception that evidence from witnesses is given more weight than written submissions
- Suggestion – draw lots to select witnesses to committees

Parliament's Identity

- Public have adversarial image of Parliament because of high profile of FMQs
- Format of FMQs needs reviewed E.g. the number of supplementary questions party leaders are allowed.

We asked: What are the top three recommendations?

You said:

1. Committee reforms should be considered
 - a) Conveners should be elected for the duration of a session, endorsed by Parliament and possibly be remunerated.
 - b) Key committees such as Finance should have conveners from non-government parties (not a majority view in the group)
2. The use of lay members in post-legislative scrutiny would add value and expertise.
3. It would be valid to review the number of Members in light of the further devolved powers and also to consider whether three meeting days and the current pattern of business meet the needs

Table 4: former MSPs who left at the end of Session 3 or 4

Chair: Johann Lamont MSP

Discussion flowed across all three questions and have subsequently been categorised under the three headings to aid reading. However it is clear that all three topics are inter-related.

We asked:

In thinking about your experiences both in the Parliament and since you left, has your perception of the Parliament's identity changed and if so, how?

You said: Identity

Discussion included the following issues:

- Continued confusion between the parliament and the government, in the minds of the public and how the organisations are reflected in the media
- A lack of understanding of processes, and of respective responsibilities of different levels of government amongst the public.
- A view that the Scottish Parliament had more authority now and was at the centre of debate, but that perhaps we had *lost something* in being part of a move towards a more aggressive form of politics.
- It was recognised that the political dynamics of every parliament had been different, and comparisons are therefore difficult.

We asked:

In considering who the Parliament engages with, how do you think the Parliament can improve – have your views changed over time?

You said: Engagement

- A view that from 2011 onwards there had been less engagement and influence from outside groups including the third sector.
- A view that there are too many cross party groups, and that MSPs are spread too thinly across them for them to be genuinely cross party.
- Dependency on short term funding from the government by the third sector has the effect of stifling discussion.
- However there was a view that legislation is considerably improved by good quality consultation, where different groups can identify and eradicate factual inaccuracies, unintended consequences, and measures which only benefit one or two to the detriment of others. The arbitration legislation was an example which was considerably improved by a consultative process.
- Parliament needs to engineer engagement to break adversarial impasses, and get out of entrenched positions.

- Committees need to get out of the parliament and meet the public on their own terms – the European system of rapporteurs was seen as a good approach.
- How can we improve turnout – time for compulsory voting?, but using new technology to make this convenient.

We asked:

Having worked with the Parliament's procedures relating to scrutiny and legislation, which ones need changed and how?

You said: Scrutiny

- A view that the Presiding Officer powers could be beefed up – relating to powers to compel witnesses/Ministers and to rule on whether statements are misleading.
- A view that there needed to be more post legislative scrutiny, including provisions in bills to ensure the government reports back to parliament. There was also discussion of the model of the Norwegian second chamber.
- There was also reference to the need for more effective budget scrutiny
- A view that there was less diversity of opinion than in the earlier years, too much control by parties, and much less of a role for independent minded back bench MSPs. However an influx of 53 new MSPs now presented an opportunity to break free.
- One of the specific issues related to motions for debate and how debates are selected and how time is allotted. There was a view that the topics of some debates could be made more relevant and purposeful, that 6 minutes was not always enough time to devote to a speech, and that we should give MSPs with deep expertise more time. It was questioned whether the balance between frontbench and backbench time was right and whether parties could be given an allocated time and it would be up to them how it might be allocated. This would allow individual parties to decide, for example, if a frontbench speech could be shortened to allow perhaps someone with a particular expertise to develop arguments in more detail.
- One example of the benefits of independent thinking and constructive criticism was in the Mental Health bill, where good quality legislation was then seen to be *copied* by England.

We asked: What are your top three recommendations?

You said:

1. A review of parliamentary debates – including
 - Time given for speakers
 - The overall length of debates

- The number of speakers (and prioritising those with expertise and relevant committee members).
2. Supporting MSPs to operate in a more independently minded way.
 3. Boosting the powers of the Presiding Officer – calling witnesses/Ministers to account, (including on misleading or over long statements).

Table 5: former MSPs who left at the end of Session 4

Chair: Fiona McLeod and Boyd Robertson

We asked:

Q1. In thinking about your experiences both in the Parliament and since you left, has your perception of the Parliament's identity changed and if so, how?

You said:

- There was a general view that the public are not as engaged with politics as politicians assume that they are. This extended to a general misunderstanding of what was reserved and what was devolved.
- There was a strong feeling that there is a need to be clearer about the separation of Government and Parliament and that the role of the Parliament needs emphasised to the public – especially in regards to holding the Scottish Government to account.
- There was agreement that some form of general education on democracy and the Scottish Parliament's place in that was required.
- There was a concern raised that the role of committees was a grey area.
- There was significant discussion surrounding the role of the press and the fact that the positive work of the Parliament is rarely reported. There was also a worry that the public read far fewer newspapers and that all news was now distilled to a soundbite – preventing in depth reporting.
- The discussion also covered concerns that the media focusses far more attention on Westminster than the Scottish Parliament and this meant that there had been very little coverage of the new powers coming to Scotland. They felt that 'scandals' made the news but because the Scottish Parliament was just working away quietly it was seen as 'boring' by the media.
- The point was raised that the Parliament has far fewer resources for promotion on social media than the Scottish Government has.
- The group felt that it was easy to find Parliamentary information only if you knew where to look for it, and there was a need to educate the traditional media, small businesses and groups in rural areas with support to access the Parliament.
- This discussion ended with a few ideas on improving the public perception of the Scottish Parliament including more outreach by committees, more video conferencing, financial support for travel of witnesses to the Parliament, and

more opportunity for the Public Petitions Committee to visit petitioners in their local area. It was felt that committee visits to Brussels should also be encouraged.

We asked:

Q2. In considering who the Parliament engages with, how do you think the Parliament can improve – have your views changed over time?

You said:

- There was a general feeling that it was easy to engage with the Scottish Parliament for groups who were already well connected, but that this meant that only the 'usual suspects' engaged. Many individuals are prevented from engaging by geography and social isolation.
- Committee outreach was felt to only reach organisations that are already able to engage vocally. This can mean that the same people always come to give evidence and that Members knew the individuals and their evidence before they arrived at the committee meeting.
- The group agreed that people engage far better when the committees travel out to meet people. Parliament days were seen as working well but were not doing enough to reach the disengaged.
- There was a concern that the number of advisors to committees had been cut back on due to resources. Committees could not offer experts enough money to give their input into committee work, especially in preparation of the budget.
- The discussion touched on whether the rules of committees are too constraining when it comes to effective scrutiny. There was a consensus that committee conveners should be elected and that committees needed much more time to engage with their work effectively.
- The group agreed that individual MSPs could do more to promote the work of the Parliament when engaging with constituents. They felt that there was a need to take off the 'party hat' when supporting constituents with some of the issues they were dealing with. They also felt that regional Members needed to engage more locally.

We asked:

Q3. Having worked with the Parliament's procedures relating to scrutiny and legislation, which ones need changed and how?

You said:

- The discussion began with a concern that Members on committees, especially when they were the sole representative of their party on that committee, needed more support especially in regard to legislation and amendments. There was a sharing of sources of support that different Members had used.
- It was felt that committees do not have enough time to do the job they need to do, and that they need more flexibility.
- There was agreement that Members are under multiple pressures and that the legislation passed was not as good as it should be due to a lack of time to scrutinise it.
- There was also agreement that post-legislative scrutiny was not taking place.
- The group felt that the time between and within stages of legislation were not long enough. Amendments can be lodged at the last moment and this meant that they passed without consultation.
- There was a discussion about the way that committees functioned differently depending on the convener. They felt that committees needed to be smaller and more focussed, conveners should be elected (possibly for a fixed term), and more use should be made of sub-committees. Committees should be given longer to question witnesses and should make better use of rapporteurs (reporters) to take on pieces of work such as post-legislative scrutiny.
- There was also a concern expressed that the committees all have different workloads and that an effort should be made to even this out.
- In regards to Chamber business the group suggested that there was not enough time for debates and that different lengths of time to speak should be allowed so that individual MSPs with expertise in an area could be heard.
- They agreed that too much legislation was put into the final year of session 4 and that work should be done to even this out over a session.
- They felt that more than three days was needed to debate business and that stage 3 debates should be undertaken over more than one day.
- There was agreement that more Members were needed in order to cover further powers and to undertake post-legislative scrutiny effectively.
- The group suggested that the Commission should look at how many bills were passed in each session and how much post-legislative scrutiny has been undertaken on these since they were passed. This should also look at whether a whole act received this scrutiny or just small sections of it.
- They concluded by suggesting that more committee motions for debates should be heard in Chamber.

We asked: What are the top three recommendations?

You said: These were broken down by each question and each summarised by three words.

Question 1

- Media – there needs to be an increase in the number of positive stories relating to the Scottish Parliament being reported on.
- MSPs – share a role in educating the public on the role of the Parliament.
- Parliamentary Media – the Parliament needs an improved mechanism for releasing information.

Question 2

- Outreach – this needs to be a priority for committees
- Resources – committees need to have the resources to support effective outreach work.
- Alternative Formats – more use of ideas such as video conferencing to give evidence.

Question 3

- Capacity – more MSPs are needed and more sitting days in the week.
- Resources – more financial support is needed for committees to hire advisors and conduct outreach work, especially in support of post-legislative scrutiny.
- Time and Timings – more time is needed at different points in the legislative process to debate amendments. More time is also needed for committees to do their work. The timings for engagement in debates need to be more flexible.

Table 6: former MSPs who left at the end of Session 3 and 4

Chair: Pam Duncan-Glancy and John Finnie MSP

We asked:

QUESTION 1: In thinking about your experiences both in the Parliament and since you left, has your perception of the Parliament's identity changed and is so, how?

QUESTION 2: In considering who the Parliament engages with, how do you think the Parliament can improve – have your views changed over time?

QUESTION 3: Having worked with the Parliament's procedures relating to scrutiny and legislation, which ones need changed and how?

You said:

- Some participants considered that there were not enough MSPs to properly service committees, cross-party groups etc. This meant that MSPs were too busy to scrutinise the Scottish Government effectively.
- However, other participants were strongly against the idea that we should have more MSPs, not least because they felt that this could not be sold to the public. They argued that some of the work which the Scottish Parliament undertook was ineffective. In particular, they pointed to some poor quality debates, and unfocussed committee work that delivered no outcome. So, if MSPs dropped activities which served no purpose, they could be more effective in other areas.
- The bureau (party business managers) and the Presiding Officer should be empowered to take more control over parliamentary business. This could provide more time for effective scrutiny.
- By population, MPs represent more people than MSPs.
- The Scottish Parliament's powers have increased and are increasing again. This is an argument for more MSPs.
- Opposition spokespeople are not properly resourced to carry out the work of scrutinising government. The example of a half member of staff for support, compared to the whole civil service, was noted.
- In the last parliament, many opposition MSPs had their time taken up with spokespeople roles, as well as their other MSP work.
- The Parliament is far too adversarial. It was noted that there was a role for this in chamber debates, but there was more that MSPs could do together.
- There were times when MSPs should be representing the Scottish Parliament rather than their parties.
- There should be a debate about what the outputs of the Scottish Parliament should be. This would allow consideration of what works and why. Right now, it is too easy to get drawn into media expectations, rather than work that will actually deliver for the people of Scotland.

- There is not much guidance for new MSPs about how they should use their time. It can feel like an MSP should be in the Parliament all the time – but that is not necessarily the best use of time.
- MPs at Westminster had time to develop specialisms, which then fed into the quality of scrutiny. However, it was also noted that MSPs may have specialisms that were not used, due to the way speaking slots are allocated in debates, and the way members are allocated to committees.
- Committees could co-opt subject specialists to help them with their work. Often members have very little expertise in the subject area. However, some participants noted that more expertise did not always provide a solution. Some problems needed political solutions (which politicians were best placed to deliver).
- Committees should be out in communities more than they are.
- The Scottish Parliament was meant to be ahead of Westminster in terms of openness, transparency and engagement. However, it was suggested that the quality of reports issued by Westminster committees was sometimes seen as better – and may lead to real policy or legislative change. It was suggested that Scottish Parliament committees needed the confidence to do hard-hitting reports.
- There was a lack of equivalence between MSPs in what they could do. Two examples were given. List MSPs had more time for non-constituency generated work than constituency MSPs. MSPs in large (rural) constituencies had to spend more time travelling to meet constituents than those in small (urban) constituencies.
- Committees spend a lot of time getting experts in and asking them questions. Yet we never allow those people to ask members questions – eg. about the parliamentary process and the impact of their contributions.
- Several participants questioned the value of cross-party groups as a means of engagement. It was noted that all-party groups in Westminster spearhead debates and bring forward legislation. However, the cross-party group system did not appear to have developed the same strength.
- Some participants suggested that committees should have more resources – in particular, more staff – in order to build up expertise and relationships with stakeholders.
- There was discussion about how to get the best out of committee work. This would involve working more effectively with ministers and Scottish Government officials. There was a clear role for challenge, but also of co-operation – and of praise – where appropriate.
- One example given in relation to the above was the officer/member groups which existed in the old Strathclyde Regional Council. These were topic based – eg. poverty, education. They had the local government equivalent of ministers, civil servants and elected members working together. They also engaged with the public.
- MSPs were always too busy to undertake post-legislative scrutiny. To counter this, post-legislative scrutiny should become an automatic part of the legislative process, just like pre-legislative scrutiny.
- It was agreed that the role of convenor (and deputy convenor) was crucial to giving direction to committees. They had the job of focussing the work of the committee so that it was effective in scrutinising government.

- Some participants argued that the post of convenor should have the support of the Scottish Parliament as a whole and be for the whole session, so that convenors could be confident in challenging the Scottish Government.
- Some participants suggested that key committees should have a convenor not from the party of government. Key committees were seen as committees with a major role in scrutinising government policy – suggestions included finance, education and health.
- The format of debates stops them being used for meaningful policy development/scrutiny. The short time slots were not long enough to properly develop policy arguments. Thus, it was easier to use them for political point scoring. It was noted previously by the group that the way speakers were selected meant that some MSPs with valuable views were not able to contribute.
- The short time slot also discouraged MSPs from accepting interventions. This was because they simply took up too much of the available time. More flexibility on this point (eg. extending the time allowed to take account of the intervention) could improve the quality.
- Participants felt strongly that the current processes for legislative scrutiny did not deal well with contentious legislation. The following examples were given:
 - A bill might have changed beyond recognition between the Stage 1 Report and Stage 3, yet there was no process to address this.
 - At Stage 3, MSPs had three days to understand sometimes hundreds of amendments.
 - Often, the only MSPs with a proper understanding of the issues at Stage 3 were those from the bill committee.
- If there were loads of amendments which changed a bill, there should be a mechanism to send it back to a committee for further scrutiny. It was suggested that a test could be whether the principles of a bill had changed since it was introduced.
- The electoral system sets up a distinction between list and constituency MSPs. This was unhelpful, verging towards unfair, in the view of some participants.
- The group questioned if the Scottish Parliament's procedures were adequate to deal with an MSP being elected from a party with racist views?
- There needs to be a better spread of legislation over a parliamentary session. Scrutiny becomes particularly truncated at the end of a session when so much legislation is brought forward.

We asked: What are the top three recommendations?

The three key issues agreed by the group were:

1. Whether the Scottish Parliament needed more resources, or whether it needed to do things better? It was accepted that not everything MSPs did was effective.
2. Committees were not performing their function – the role of convenor was key to changing this.
3. There were serious problems with legislative scrutiny.