

Commission on Parliamentary Reform

Meeting with the Parliamentary Study Group, Friday 24 February 2017

Note of discussion

Following an introduction by the Chair, there was an discussion led by Professor James Mitchell based around the theme of 'The Good Parliament'.

We asked: How well is the Parliament performing?

You said:

Professor Mitchell started by referring to Nelson Polsby's two definitions of a parliament – as an arena (to rubber stamp decisions made elsewhere) or transformative.

Professor Mitchell suggested the Commission's starting point should be to consider where the Scottish Parliament sits on the scale between the two. He argued it was an arena parliament in terms of the budget process. He also highlighted the Scottish Parliament is designed in the 'Westminster mode' with politicians elected on a party basis and strict party discipline being maintained after election.

Is the Commission looking for transformative change or focussing on adjusting current practises? There are some potentially serious obstacles to delivering transformative change, such as partisanship and the constitutional structure. As the Scottish Government is drawn from MSPs within the Scottish Parliament, it can be hard to move away from the current culture and this can mitigate against transformative change. If the Commission wants transformative change, then it will need to acknowledge how it will change the constitutional or partisanship nature of the institution.

It would be a significant challenge should the Commission recommend a move from a representative democracy towards a participatory democracy. The reality is that, whilst people can have a say, the authority to make decisions would continue to rest with the elected politicians. The expectation of what public participation could achieve would need to be clear from the start.

It was acknowledged that, despite the use of PR, there hasn't been the transformative change in parliamentary culture (to a more power sharing model) that had perhaps been heralded in the Consultative Steering Group report. It was suggested that the CSG principles were ambitious rather than realistic. In that regard, the Commission might be cautious as to its expectation of transformative change as it cannot do too much within the current set up of the Parliament.

Consensual, as compared with adversarial, working can be achieved (e.g. Bundestag) but that Parliament is limited in its influence on parties' and individual members' behaviour.

It was noted that the issue of people's expectations of what the Parliament could achieve was underpinned to some extent by a lack of understanding about Parliament by the public – such as its limited powers. Government parties can use this lack of understanding for political gain (by claiming to want to act but being restricted because the policy issue is reserved or opposition parties putting pressure on the government to act on a reserved policy issue).

It was noted that, whilst discussions held between MSPs, parties or in committees behind closed doors can facilitate consensus, it can also inhibit scrutiny (from wider society) and it was questioned whether there has been an increasing use of private discussions over the years.

There is growing concern about the legitimacy of governing institutions and a danger that a large number of people cannot identify with Parliament and its MSPs.

It was questioned whether the Commission should go bold in the report to achieve some change or does it be realistic such as not mentioning more MSPs.

There was then a discussion led by Mark Geddes on enhancing scrutiny. His starting point was the disappointing performance of the Scottish Parliament committee system and he set out some of the factors which contributed to this – the centrality of the chamber, opaque workings of the Parliamentary Bureau, membership turnover and party control, heavy workload and lack of strategic oversight.

He proposed two solutions based on the House of Commons. First, the introduction of elected committee conveners which would give conveners more authority and responsibility for agenda setting. Second, a second chamber, similar to Westminster Hall in the House of Commons, which would alleviate the pressure on time for debate in the main chamber.

This was followed by a discussion led by Dr Angela O'Hagan on scrutiny for all. This used the Scottish Women's Budget Group to illustrate the purposefulness of meaningful engagement.

In the discussion afterwards, the following matters were raised:

- It was suggested that the introduction of elected select committee chairs in the House of Commons has led to a strengthening of their agenda setting. Some prospective chairs have used the election period as a way to develop this agenda.
- In terms of mainstreaming certain activities it become more important to demonstrate that you are using and gathering data and that you can see it being used in that forum
- If it isn't in the public arena, then equalities issues can be overlooked
- The purpose of scrutiny remains important even if it doesn't take place in a formal setting.

Professor James Mitchell and Marc Geddes confirmed they will be providing their written views in due course.