

The Scottish Parliament
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Dear John Mc Cormick,

Commission on Parliamentary Reform – call for written views

Thank you for your letter of 24 November 2016 inviting the Committee to respond to the Commission's call for written views on parliamentary reform.

We discussed the call for written views at our meeting on 12 January and agreed there are a few areas where we consider there is merit in drawing the Commission's attention to, namely:

- time available for committee scrutiny
- remit of the committee and engagement
- scrutiny of human rights issues

Time available for committee scrutiny

Currently six committees meet on Thursday mornings (five on Wednesday and four on Tuesdays). Committees meeting on a Tuesday or Wednesday morning have four hours scrutiny time available, if they meet between 9.30am and 1.30pm.

In comparison, Thursday committees have half that time available for evidence sessions as they conclude business ordinarily by 11.30 am. Procedurally this is to ensure there is no overlap with Chamber business – in this case General Questions.

Standing Orders Rule 12.3.3A prohibits committees meeting at the same time as the Chamber unless the Parliament decides on a motion of the Parliamentary Bureau motion (Standing Order Rule 12.3.3B)¹. In practical terms an 11.30am finish allows members who have questions selected for General Questions sufficient time to get from the Committee to the Chamber.

While committees that meet on a Thursday have become adept at working within these parameters, this reduction in scrutiny time does have consequences. It curtails the scope for 'on-the-record' evidence. In order to gain an extra hour's meeting time committees meeting would need to start at 8.30am. Making the start time earlier has direct impact on those witnesses and members, for example, who have caring responsibilities, or perhaps live further from the Parliament. It is noted this would also be contrary to the ethos of a family friendly Parliament.

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A further impact, in common with all committees, is the ability of committees to undertake fact-finding visits on a Thursday morning. Currently it is too precarious to plan a visit, other than a local visit, as we could not ensure we would be back in the Parliament campus in time for parliamentary business. We have instead held informal briefings at the Parliament but this does not lend itself to engagement with a diverse range of stakeholders.

We consider a low impact solution might be to move General Questions from 11.40am in the Chamber to later in the business day. This would provide an extra 20 minutes, although we recognise this is not a lot of extra time, it would be sufficient to provide greater flexibility for scheduling evidence, i.e. enabling two hour-long panels with a 9.30am start time. It would also make local fact-finding visits a more viable option.

Remit of the Committee and engagement with hard to reach groups

The Equal Opportunities Committee (currently known as the Equalities and Human Rights Committee (EHRiC) with an extended remit) is one of eight mandatory committees of the Scottish Parliament. Its role was largely outlined by the Consultative Steering Group (CSG) Report². The Report also had a detailed Annex (H) on mainstreaming equality. The promotion of equal opportunities is the fourth of the CSG principles and the Scottish Parliament agreed early on that its operations should embody the spirit of the CSG key principles, including mainstreaming equality into all its activities.

¹ [Standing Orders Chapter 12: Committee Procedures](#), Rule 3.3A. Subject to paragraph 3B a meeting of a committee (other than a Private Bill Committee) shall not begin when a meeting of the Parliament is in progress, and a committee meeting that has begun shall be closed before, or suspended during, any period when a meeting of the Parliament is in progress. For the purpose of this paragraph, a meeting of the Parliament is not in progress during a suspension under Rule 7.4.1 or an adjournment under Rule 8.16.

Rule 3.3B. A meeting of a committee may be held when a meeting of the Parliament is in progress if the Parliament so decides on a motion of the Parliamentary Bureau.

² Consultative Steering Group (CSG) Report, December 1998. Available at: http://www.parliament.scot/PublicInformationdocuments/Report_of_the_Consultative_Steering_Group.pdf

Even though there has been progress of mainstreaming equalities in the Parliament, there are still many inequalities and discriminatory practices which remain to be addressed in Scotland. Therefore we believe the role of the Committee is still relevant. Looking back at recent examples of equalities work, the Session 4 Committee tackled issues such as where Gypsy/Travellers Live, female genital mutilation, age and social isolation and race, ethnicity and employment. Even though we are at the start of the Parliamentary session, we have continued this good work by scrutinising prejudiced based school bullying and the barriers faced by disabled people and BSL users in applying, or attending, Scottish universities. The Committee also has an important role to play with nationwide topics, such as the UK's departure from the European Union, and the potentially changing equalities and human rights landscape.

Since the establishment of the Parliament the equal opportunities/equalities committees have demonstrated a strong track record of reaching out to parts of Scottish society which wouldn't ordinarily have been heard from. For example, diverse stakeholders have included the Chinese Community Development Partnership, Gay Dads Scotland and the Pagan Federation (Scotland). We have also engaged with those who would not have considered themselves stakeholders by tapping into our engagement network and holding participation events. We have been happy to share our engagement practices and will continue to work with other committees within the Parliament and with our counterpart UK committees on cross-cutting equalities and human rights issues. A current example of a cross-cutting issue is the transition from education to work for those with protected characteristics e.g. young disabled people. This engages the remits of the Education and Skills Committee, the Social Security Committee and the Economy, Jobs and Fair Work Committee, in addition to that of EHRiC.

All political parties noted a surge in Scottish society's engagement in response to the independence referendum. The Parliament has sought to build on this reinvigoration of the electorate. It would be helpful if any reforms being considered by the Commission could assist committees' flexibility in undertaking participation and engagement activities which is a key feature of committees' evidence gathering.

Scrutiny of human rights issues

As already mentioned, on 29 September the Scottish Parliament agreed to extend the Equal Opportunities Committee's remit to include human rights. It is not known whether this remit extension will continue beyond this Parliamentary session. We are keenly aware the subject of human rights will be central to many issues relating to both preparations for the UK's departure from the EU and following the UK's exit, such as, community cohesion. There are also proposals for a Great Repeal Bill and at some point a British Bill of Rights with potential consequences for human rights. Notwithstanding this having a human rights committee is in line with good practice, as recommended by the Westminster Foundation for Democracy³.

³ From Georgia to Westminster: The reform of human rights committees. Available at: <http://www.wfd.org/from-georgia-to-westminster-the-reform-of-human-rights-committees/>

The Committee has begun to expand its knowledge of human rights. One of our key objectives is to hold the Scottish Government to account, but we also see a potential role for our Committee in supporting other committees to do this. We would also like to see public authorities in Scotland apply a human rights filter to their activities and, in addition, raise awareness of the importance of human rights within Scotland and the role these rights play in everyday life, while of course also maintaining our focus on the protected characteristics.

Given these aims, we have agreed to hold an inquiry into the scrutiny of human rights within the Parliament, covering such areas as whether human rights should be a mandatory subject area, the potential of embedding further the advancement of human rights and looking at human rights assessment tools and training. Drawing on other legislatures' experiences we anticipate making recommendations by summer 2017, although I have to caveat this timescale, as it could be later depending on the evidence gathered and where this takes us. We raise this issue particularly to ensure should you be considering reform in this area you are aware of our inquiry and its timescale.

I wish you well with your work programme and look forward to seeing the Commission's recommendations on parliamentary reform in due course.

Yours sincerely,

Christina McKelvie MSP
Convener
Equalities and Human Rights Committee