

The Scottish Parliament
Pàrlamaid na h-AlbaJohn McCormick, Chair
Commission on Parliamentary
Reformc/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP***By email only***

(RNID Typetalk calls welcome)

Tel: 0131 348 5240

ecclr.committee@parliament.scot

7 February 2017

Dear Mr McCormick,

**Environment, Climate Change and Land Reform (ECCLR) Committee
response to Commission on Parliamentary Reform Letter of 26
November**

I am responding on behalf of the Environment, Climate Change and Land Reform (ECCLR) Committee, to your invitation of 26 November 2016 seeking the view of the Committee on the way the Scottish Parliament works, what challenges committees face in delivering effective scrutiny and engagement and potential solutions to those challenges¹. The Committee is grateful for the opportunity to contribute to your inquiry.

Previous Committee Consideration

In session 4 the predecessor Rural Affairs, Climate Change and Environment (RACCE) Committee responded to a number of inquiries managed by the Standards, Procedures and Public Appointments (SPPA) Committee. The ECCLR Committee wish to bring the RACCE Committee response to inquiries on post legislative scrutiny and Bill procedure to your attention and links to these are provided below.² A link to the RACCE Committee legacy report,

¹ Letter from the PO Commission on Parliamentary Reform to the ECCLR Committee
http://www.scottish.parliament.uk/S5_Environment/General%20Documents/20161125_PO_Commission_letter_to_Committee_Convener.pdf

² Letter from the RACCE Committee to the SPPA Committee on post legislative scrutiny
http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2013.01.23_RACCE_Convener_to_SPPA_Convener_post_leg_scrutiny.pdf

Letter from the RACCE Committee to the SPPA Committee on Bill procedure
http://www.parliament.scot/S4_StandardsProceduresandPublicAppointmentsCommittee/Inquiries/RACCE.pdf

produced at the end of session 4, is also provided below³. These reports address some of the issues the Commission is considering.

Issues considered by the ECCLR Committee

The ECCLR Committee considered a number of issues in relation to the operation of Parliamentary Committees and the issues highlighted below are those that the Committee viewed to be of greatest significance. In addition to this Committee response to the inquiry Members may take the opportunity of responding to the Commission on an individual basis.

Culture of Committees

The Committee was of the view that committees work best when Members engage collaboratively and constructively and put party politics to one side. This reflects the experience of the RACCE Committee in Session 4.

The Committee also considers that there is great scope for parliamentary committees to be flexible in their approach to scrutiny and engagement and committees could make better use of that flexibility in developing more innovative ways of working, including using reporters, subgroups and sub committees. The ECCLR Committee recently set up two informal sub groups, to explore issues relating to air quality and deposit return, as a means of gathering information to inform the Committee's consideration of the need for further inquiry.

Committee remits and tackling cross cutting issues

Committee's remits which are tied to the remits of Cabinet Secretaries (which can change from session to session) present challenges to promoting creative, holistic thinking around complex issues and can result in a 'silo' approach to considering issues. This can hamper effective consideration of 'cross cutting' and complicated issues. There are challenges in bringing Members together across committees to work collaboratively but there is also scope for closer engagement between committees. This approach has been successful in the parliamentary scrutiny of successive Climate Change Plans and in scrutinising the National Planning Framework. In this session the ECCLR Committee is co-ordinating the scrutiny of four committees considering the draft Climate Change Plan – RPP3 and has engaged directly with the Rural Economy and Connectivity Committee in the parliamentary scrutiny of the proposed Land Commissioners.

The Committee is also clear that the remit and responsibilities of committees require to be matched by the necessary time and resources to enable full and effective scrutiny and engagement.

In its legacy report the RACCE committee recommended that careful thought should be given as to how to best ensure robust scrutiny of climate change issues in session 5. Currently the scrutiny of climate change issues is mainstreamed across committees within the Budget scrutiny process and the

³ RACCE Committee Legacy report – Session: 4

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/Reports/RACCES042016R06.pdf

ECCLR Committee intends to review Parliament's approach to climate change scrutiny, including the mainstreaming of scrutiny across parliamentary committees, to ensure that the climate change challenges facing Scotland across all sectors and by all parts of society can be most effectively addressed by Parliament.

Developing a strategic approach to scrutiny and engagement

The Committee is of the view that there is a significant challenge for committees in developing longer term more strategic approaches, and in creating space to develop a wider, more deliberative view while balancing the need to respond, often within tight timeframes, to referred work. The Committee considers that there is real merit in committees adopting a strategic approach from the outset and extending current good practice in the use of discussion fora, engaging with experts and academics in pre-legislative and pre inquiry work, and engaging with stakeholders out-with the formal committee setting.

Committees also need to find time for pre and post legislative scrutiny as both are extremely beneficial in the long-term and help to ensure that the legislation passed by the Parliament is as robust as possible and benefits from previous experience, as has been the case in the Committee consideration of the land reform legislation over a number of parliamentary sessions.

In this session the Committee has, from the outset, sought to agree a strategic approach and over-arching principles for scrutiny and engagement. This is posted on the Committee's web page and will be subject to regular review.⁴ The principles and focus of the Committee's scrutiny for session 5 are to:

- develop a consensual approach to working
- avoid duplication of Scottish Government work streams
- focus on holding Government agencies to account
- engage in agenda setting
- develop an innovative approach to working
- focus on impacts and outcomes
- embed financial scrutiny throughout its work
- consider a strategic approach to the work of the committee over the session

The Committee's Engagement Strategy:

Engaging effectively with stakeholders has been at the heart of the Committee's approach to scrutiny. The Committee has agreed an over-arching Engagement Strategy that aims to promote engagement and participation to support the work of the Committee (and the Scottish Parliament) and to enhance parliamentary democracy. This aims to ensure

⁴ ECCLR Committee approach to scrutiny and engagement

that legislation and scrutiny undertaken by the Committee reflects a wide range of knowledge and experience.

In order to achieve this, the Committee has set specific objectives and outcomes. The Committee has also agreed its approach to audiences in the first year and is currently focused on engaging with young people, local communities, hearing from those with lived experience and promoting gender equality. In order to facilitate this, a tailored plan for engagement will be developed for every committee inquiry. The Committee is keen to engage beyond the 'usual suspects' and in innovative ways that meet the needs of the many audiences across Scotland and we plan to evaluate the engagement activities based on their intended outcomes and report on these publically in the annual report.

The Committee would be happy to provide further information as required and we look forward to hearing how the work of the Commission is progressing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Graeme Dey', with a stylized flourish at the end.

Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform Committee