

Submission to the Commission on Parliamentary Reform Jan 2017**MSPs on the Petitions Committee can be misled, misinformed and ill-informed****1) PETITION PE934 from Dr John Hinton: on Road Traffic Orders - to ensure proper consultation with the public (including the disabled):**

The points I made were favourably considered by the Parliamentary Public Petitions Committee in 2016. After several very brief hearings the petition was passed for action to The Scottish Executive Enterprise, Transport & Lifelong Learning and it was clearly expected by MSPs that action would be taken. However repeated requests to the top official dealing with this matter led nowhere – it was put on ice! In fact now it is lost! This 10-year delay makes the Petitions Committee a farce. *It seems that the Petitions Committee needs clear follow-up mechanisms which MSPs can check on. The officials should provide feedback to MSPs and the public. This should be on the same web-page as the Petition.*

2) **PETITION from Iain Thow (Senior teacher - now retired) (PEO 1484)** was about proven maladministration by the SQA. This illustrates how petitioners' issues can be passed on for comment to the civil servants who have a vested interest in quashing them. Petition (PEO 1484) was sent by the Committee officials to the SQA for comment. The response to the Committee was not criticised. MSP's accepted the civil servants recommendation to reject the Petition. *MSPs should not just accept assurances from civil servants and quangoes (see below). Legislation is required to ensure openness and accountability.*

3) **PETITION PEO 1594 re the SPSO and Lying was rejected by the Committee** with no comment at the meeting. I personally received no response from the Parliamentary Public Petitions Committee on my submission supporting this petition. It is clear then that civil servants (and the SPSO) can lie with impunity to MSPs and the public! *This must be rectified by law to safeguard our democracy.*

4) **My PETITION PE1449** related to the institution of an effective independent Administrative Justice Council (to replace the UK's AJTC) *The Scottish Parliament needs an effective (properly funded) independent Administrative Justice Council* so that Government legislation can be scrutinized fairly by Scottish Lawyers, thus ensuring that that public complaints and MSP's issues can be dealt with. Our Parliamentary democracy demands this to ensure administrative and social justice. My submission to the Justice Committee, and those from previous members of the AJTC, on this consultation, got short shrift!

Quangoes can stifle proper scrutiny by MSPs – for example

Please note the SQA is not accountable to parliament for anything other than its 'systems' - see their published remit. SQA staff operate under a gagging order so that they cannot make complaint to the Scottish Parliament or Government. This lack of accountability to Parliament is deplorable in a democracy!

Public Officials should by Law be under a positive obligation to report to MSPs and Parliament any maladministration which they observe and they need protection of guaranteed anonymity.

Parliamentary Committee Scrutiny thwarted by lack of time allowed to MSPs

One serious general matter regarding parliamentary scrutiny by Committees relates to the fact that insufficient time is allowed by senior civil servants for issues to be considered properly before meetings of Parliamentary Committees. Often this is less than a week and the number of items on agendas are can be extremely large.

MSPs must be given more time and not ruled by the bureaucrats who have reason to be pleased if MSPs have no more time than to approve their summarised recommendations.

This is very serious and *it could be rectified by specifying say a three-week period from the time MSPs receive Committee Agendas to the time of relevant meetings.*

My frequent experiences in dealing with Scottish Parliament are extremely sad and leave me exhausted and depressed. I have now given up on Scottish democracy as, after many years of effort, I see that public officialdom and civil servants operate as unaccountable powerful and self-protective bureaucrats misleading MSPs and Parliamentary Committees. In each section of this document I have made proposals to rectify this deplorable situation (*see bold italics*).

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