

Commission on Parliamentary Reform

ASPA submission

21 March 2017

Introduction

The Association for Scottish Public Affairs (ASPA) welcomes the Commission on Parliamentary Reform and this opportunity to provide our views. As the representative body for the public affairs sector in Scotland, we will focus in this brief response on those areas that our members have most experience of.

Engagement

Firstly, we would like to take this opportunity to state that, across many metrics, the Scottish Parliament can be proud of the steps it has taken to be accountable and informed by the people of Scotland.

In particular:

- The public petitions committee was ground-breaking when introduced, allowing members of the public the opportunity to lodge a petition that would be considered by a committee of MSP to determine if worthy of further scrutiny;
- The electoral system gives every voter a range of MSPs who represent them, this in turn should encourage the electorate to engage with an MSP who closely reflect their views;
- The transparency, accessibility and openness of Parliament and MSPs to meet with and be informed by professionals and constituents is significant.

Having said that, there are areas that need improving in relation to engagement. In particular, there is still some way to go to get meaningful interaction with 'real people' right. Business sector and third sector organisations alike are often asked to provide 'real' people

for MSPs to speak to, either in response to legislation or general enquiries. Yet it is not always plausible for such people to be in Edinburgh during a committee's sitting hours. Moreover, committee sessions can often be a fairly daunting experience for many people, and so perhaps are not the best way for MSPs to get feedback on proposed legislation. Roundtables outside of working hours, or having a few committee members meet with organisations outwith the Parliament building, have occurred and should be applauded – but some ASPA members feel there should be more of this, so that it becomes a standard approach to gathering evidence.

Checks and Balances

Whilst the Scottish Parliament, since its inception, has had much to recommend it, there are some areas of concern, particularly as regards the legislative process. The composition of the chamber was never designed to consist of a majority party, and the committee process, which of course has the important job of scrutinising legislation, is reflective of that assumption. Furthermore, the Scottish Parliament at devolution was very different in terms of the powers it holds, than the Scottish Parliament today.

Therefore, we list below a number of issues to think about, which we recommend be considered by the Commission. Taking these into account will help improve the quality and enactment of legislation here in Scotland. These are:

- The need to resolve the issue of MSPs not having the time to always fully consider all aspects of legislation as it is moving through parliament, which could be resolved through some of the ways mentioned here, and/or other ways that Parliament sees fit. This is also important in terms of MSPs having time to gather evidence: currently, evidence gathered is often the best that can be obtained in the limited time available, rather than MSPs having sufficient time to do a comprehensive job.
- Perhaps a slower legislative process, to allow time for draft legislation to be properly considered and reviewed by MSPs and outside organisations before it is enacted. Currently, it is often very hard for those outside of parliament as well as for MSPs to digest all consequences of legislation – particularly any unintended consequences –

before the vote, and to therefore suggest improvements to that legislation.

Furthermore, where organisations have been able to take the time to submit evidence, time should be made available to MSPs to properly review and discuss that evidence with those organisations, so that they are able to make the best use of this material and knowledge.

- A stronger element to parliamentary work in terms of reviewing the effectiveness of legislation once it has been enacted, so that legislation works 'on the ground' in the way it is intended by Parliament (at the moment, very few Acts even contain a sunset clause or review period). In addition, a Stage 4, to review any last minute changes to a Bill at Stage 3, could also be considered.
- The need to resolve the majority parliament/majority committee issue discussed above (whereby there are perhaps more limited checks and balances at committee stages than was intended at the establishment of the Parliament, as the committee membership reflects the make-up of the main chamber) – whether that be through a second chamber, elected convenors, and/or other measures as Parliament sees fit.

Conclusion

With the new powers coming to Scotland, now is an important time for Parliament, and we are pleased to see that the structure of Parliament is being considered in order to make it as fit for purpose as possible. Our members regularly work with the Parliament and MSPs, and we look forward to seeing the improvements that the Commission will recommend in due course.