

A SUBMISSION ON BEHALF OF THE NORTH EAST MULTI AGENCY CHIEF EXECUTIVE FORUM TO THE COMMISSION ON PARLIAMENTARY REFORM

The Forum:

Is a voluntary coalition of senior leaders across the north east public sector and we see ourselves as a group trying to lead the place not just simply leading our individual organisations. As we grow as a group, we are trying to articulate a clear vision for our locality, one which advances social justice, promotes inclusive growth and cares for the environment and the people of the North East.

Our Membership includes:

Angela Scott (Chief Executive, Aberdeen City Council)

Jim Savege (Chief Executive, Aberdeenshire Council)

Roddy Burns (Chief Executive, Moray Council)

Campbell Thomson (North East Local Commander, Police Scotland)

Andy Cowie (North Commander, Police Scotland)

Andy Coueslant, (North Commander, Scottish Fire and Rescue)

Malcom Wright (Chief Executive, NHS Grampian)

Ferdinand von Prodzynski (Principal, Robert Gordons University)

Sir Ian Diamond (Principal, University of Aberdeen)

Liz McIntyre (Principal, North East College)

Allister Purdie (Governor, HMP Grampian)

The Current chair of the forum is Jim Savege

Chief Executive, Aberdeenshire Council

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Our Engagement with the Scottish Parliament

All individual members of the forum have experience of engaging with the formal committee structures of the Parliament as well as some experience of engaging with the variety of receptions held. Each member reflected that they felt their experience of engaging with the Parliament was overall very positive and that the Parliament was a very welcoming and engaging organisation. The group acknowledged that the geographical distance to the Parliament can often be a barrier to attending receptions and suggests that the Parliament considers holding further receptions outwith Edinburgh. Continuing the point about geographical distance, it was also felt that there was no cognisance given to the reduced resource locally to support attendance at committee or to produce written evidence and no promoted opportunity afforded to attend committees virtually.

As a collective set of corporate parents, we welcome the importance the Scottish Parliament attaches to consulting young people. The work undertaken with young people from Who Cares? Scotland in advocating for the provisions around care experienced children and young people during the passage of the Children and Young People (Scotland) Act was excellent. The engagement by the Education Committee and the Minister for Children and Young People with groups of young people from Who Cares? Scotland was in our view pertinent in helping to understand what the children were advocating for.

More recently, the Equalities and Human Rights Committee has taken evidence from the Scottish Youth Parliament on the change in the Committee's remit and the Public Petitions Committee took evidence from the Scottish Youth Parliament in relation to armed forces visits to schools. MSP's have also spoken at a number of cross party group meetings including one on a child rights manifesto and one on Brexit. We understand the Scottish Youth Parliament has been engaging with the Scottish Parliament committees to try and link with their own committees.

What Could Make That Engagement Better And What Are Our Priorities For Improvements?

- 1. The Scottish Parliament should adopt a place focus** - As stated in the introduction, we are a group of senior leaders trying to lead the place not just simply leading our individual organisations. As we grow as a group, we are trying to articulate a clear vision for our locality, one which advances inclusive growth, social justice and promotes care for the environment and the people. The group reflected that their experience of Parliament was limited to engaging on behalf of their single organisation rather than ever having engaged as a collective leadership team focusing on our locality. The group acknowledges that the committee structure of the Parliament largely reflects the ministerial portfolios, the Government's budget and organisational structure. Given the growing policy emphasis on place leadership, the group suggests that it might be worth, within this review, considering how the Parliament could have as much focus on localities and the impact of policy through the lens of a place, whilst retaining the focus on policy and sectors.

There are three overlapping civic leadership roles in a modern region (Political Leadership, Managerial Leadership and Community Leadership) and there is a need for a high-calibre contribution from all three and this leadership needs to be multilevel¹. A locality focus with groups of MSP's meeting public and private sector partners would help to join matters up and would demonstrate good political leadership as part of the overlapping civic leadership role required in modern cities and places. Discussions could range over a wide variety of topics and focus on outcomes as well as how we, as chief executives (managerial leadership), are working together. This would enable a more collective and joined up approach to scrutiny and support of a whole locality.

- 2. The New Fiscal Powers of Parliament And Impact On Place** – the Parliament has significantly increased tax raising and borrowing powers. We understand that the current financial arrangements, originally designed by the Financial Issues Advisory Group (FIAG), are being reviewed in order to ensure fitness of purpose for the new powers of the Parliament. We hope this review will ensure that Parliament, in its scrutiny of the use of these powers by government, is afforded the opportunity to consider how the use of these tax and borrowing powers affects regional localities across Scotland. The recent north east experience of the impact of the non-domestic rates revaluation on specific sectors experiencing a vulnerability since the reduction in the global oil price is evidence of the need to understand the regional impact of tax decisions.

- 3. Improving The Effectiveness Of Scrutiny** - the group all recognise the important role the Parliament plays in holding government to account and we would suggest that there are some areas where improvement could be secured. These are aimed at achieving a balance between scrutiny prior to, during and post legislation.

Pre-Legislative Process – Since the creation of a devolved government with a parliament, an extensive volume of legislation has been passed. One of the effects of this volume is the proportion of committees' time given over to the scrutiny of Bills. Whilst recognising the work which Committees already undertake through Inquiries, the group would encourage Committees to both increase and co-ordinate their proactivity on matters which may influence government policy and priorities prior to Bills being introduced. We believe further pre-legislative work and scrutiny can improve Bills prior to their introduction and could, in some circumstances, result in fewer Bills.

As an example for better co-ordinating pre-legislative work, the group would highlight the cross organisational and sectoral issue of preventing inequality and reducing demand for public services. The Commission on the Future Delivery of Public Services (Christie Commission) published in 2011 notes that *“Despite a series of Scottish Government initiatives and significant growth in public spending since devolution, on most key measures social and economic inequalities have remained unchanged or become more pronounced. The evidence submitted to us demonstrated that these inequalities account for a significant element of the increasing demands on our public services.*

This suggests that a radical change in the design and delivery of public services is necessary, irrespective of the current economic challenges, to tackle the deep-rooted social problems that persist in communities across the country. A cycle of deprivation and low aspiration has been allowed to persist because preventative measures have not been prioritised. It is estimated that as much as 40 per cent of all spending on public services is accounted for by interventions that could have been avoided by prioritising a preventative approach. Tackling these fundamental inequalities and focussing resources on preventative measures must be a key objective of public service reform”.

We would suggest that further co-ordinated inquiries should be held across all committees, potentially connecting such inquiries up into full chamber debate, which focus on this cycle of deprivation and challenging the progress against the preventative approach advocated by Christie.

During the Legislative Process – It is noted that committees seldom take advantage of the authority they have to introduce Bills and, consequently,

scrutiny during the legislative process is mainly reactive. Our experience in engaging with the Parliament during this process is that opportunities are mostly limited to responding to a “Call for Evidence”, which typically has prescribed questions and a relatively tight timescale.

Post Legislation Scrutiny – The Parliament has a responsibility to assess the impact of the legislation it passes. In the absence of post legislation scrutiny it is often difficult to determine the impact which specific legislation has made in terms of national, regional and local outcomes. We recognise the establishment of the Public Audit and Post-Legislative Scrutiny Committee as a positive development and we would encourage the Parliament to undertake more post legislation scrutiny in order to consider how effective primary legislation has been in effecting change. When a bill is being considered, the planned post legislation scrutiny should be identified up front. This may help focus further clarity, in the drafting of bills, to the specific intended outcomes of new legislation.

Additional Commentary - There were mixed experiences within our forum of attending a parliamentary committee. On some occasions it was felt that the partisan views of MSP’s were getting in the way of the opportunity for a more detailed understanding of how issues affect different areas of Scotland. We are aware that the Commission has already heard evidence suggesting that the scrutiny role of committees might be enhanced if the membership of committees were directly elected by backbench MSPs and we believe this should be explored.

We would also suggest that there should be formal follow up from the committees to assess the impact of their inquiries, for example how far have the recommendations been taken on board and what difference has this made.

To support more joint working by public bodies – The Christie Commission noted that “The public service system is often fragmented, complex and opaque, hampering the joint working between organisations which we consider to be essential”. Building on the theme of joining up, we wonder what scope there is for more joined up thinking and planning of the scrutiny work to be undertaken by the committees of the Parliament and the scrutiny work of Audit Scotland and the other inspection bodies. As public bodies, we are subject, understandably, to a large volume of independent scrutiny and the Crerar Review called for more joined up planning of scrutiny bodies. We pose the question, should this include the Parliament’s scrutiny activity? And could more joined up scrutiny then support/challenge more joint working by public bodies.

- 4. Respecting The Subsidiarity Principle** – Governmental structures and powers are in a period of significant flux locally, regionally, nationally and internationally. We believe it is important, through this redrawing, that the Parliament is mindful

to the principle of subsidiarity. Positive consideration must be given to the level of “government” at which it is most appropriate to take decisions and these should be taken at the level closest to the citizens. This will often mean locally and regionally. In applying this principle it is important that appropriate relationships are built between all Scotland’s governmental institutions and across civic life.

More specifically, the implications of **Brexit**, are being considered by everyone and it is clear, that there will be a role for both UK and Scottish Parliaments in terms of oversight of the repatriation of powers back to the UK. The principle of subsidiarity has been embedded within the EU and we would ask how the Parliament will seek to apply this as the repeal and replacement of EU legislation into the statute of Scotland is undertaken. We also pose the question on how will the Parliament seek views, through this process, across civic life? The repatriation of powers from the EU will have a significant effect and interest of different sectors and economies and it will be important that the normal demands of the Parliament on civic life are reconsidered in order to give us sufficient capacity to engage in this important consideration of the devolution of powers both at a sub-national level and a locality level.

The **Integrated Joint Boards**, created as a result of the Public Bodies (Joint Working) (Scotland) Act 2014, also represent a change for both government and Parliament in terms of the exercise of accountability. The NHS in Scotland is directly accountable to Parliament through a Minister, unlike local government which is democratically accountable to its local electorate. The integration of adult health and social care services now places adult health services out-with the traditional managed service model of accountability as both health and social care will be locally accountable to the Integrated Joint Boards. The subsidiarity of these boards and the nature of this new relationship, will need to be understood by Parliament.

- 5. Rights of the Child** - As a collective set of corporate parents, whilst we welcome the work to date by the Parliament to engage with young people, we think there is scope to do more. A concluding observation (para 31 (c) from the UN Committee on the Rights of the Child about the need to have “permanent forums for children’s effective engagement with national legislative processes” indicates that this recommendation goes beyond the youth parliament and highlights the need for decision makers to engage with younger children as well.

In 2018, the Scottish Government will present a report on the UN Committee on the rights of the child implementation to the parliament. In order to properly scrutinise this report, MSP’s must have sufficient knowledge and understanding of children’s rights and appreciate the importance of involving and young people in the scrutiny process.

ⁱ A 2008 study by Robert Hambleton for the Royal Commission on Auckland Governance into Civic Leadership in Auckland