

The author has been a clerk in the Scottish Parliament since its establishment in 1999, before which he was a clerk in the House of Lords for 6 years. He is currently head of the Parliament's Non-Government Bills Unit and has extensive experience as a committee clerk. He was closely involved in the preparation of the Parliament's standing orders and other rules of procedure, particularly in relation to legislation.

### Engagement with the people of Scotland

There has been a commendable focus recently on how the Parliament's committees can improve the range of ways in which people from all walks of life can engage with them and contribute to their scrutiny work. It is certainly important not simply to rely on a few traditional methods (invited witnesses giving oral evidence at committee meetings, committees issuing calls for written evidence) which tend to work only for well-organised representative organisations and interest groups (the so-called "usual suspects") and much less well for more marginal groups and non-establishment figures.

Engagement should not come to be seen as an end in itself, however, but should always be tailored to the circumstances of a particular bit of scrutiny. Ultimately, the Parliament was established on a representative democracy model, in which the electorate delegates the decision-making and scrutiny role to MSPs. Engagement should therefore be seen as a key means to help them make well-informed decisions for which they remain accountable. The information that they need to do that will vary according to the nature of the issue, and there is no standard means of engagement that is always going to be appropriate. Routinely hearing from minority interest groups, for example, is hardly any better as an approach than routinely hearing from large and well-resourced professional bodies – the point is to avoid any sort of tick-box approach, and instead to engage appropriately with whoever is best-placed to provide a well-informed perspective on whatever topic is being considered.

Care must also be taken to ensure that a more innovative approach to engagement doesn't just lead to dominance by self-selecting and vocal minorities. Focusing on ways of making engagement quicker and easier for people may inadvertently encourage simplistic or knee-jerk responses, when what is needed is more considered responses by those with direct or practical experience of dealing with an issue.

### The identity of the Parliament

I agree it is important to keep on reinforcing the distinction between the Scottish Parliament and the Scottish Government. This is a fundamental distinction, and is probably better understood in a UK context, where images of the front door at No.10 or the Big Ben clock tower are universally recognised as potent symbols of two separate institutions. Here, while the Scottish Parliament building is distinctive and

well-known enough to serve a similar purpose, none of the main Scottish Government buildings (Bute House, St Andrews House, Victoria Quay) have anything like the equivalent recognition factor. It remains common for broadcasters to use the Parliament building as a backdrop for any Scottish political story, regardless of whether Ministers or MSPs more generally were the key players. There is also no Scottish equivalent of the shorthand term “Whitehall” – routinely contrasted with “Westminster” in a UK context; here “Holyrood” is often used interchangeably for both the Parliament and the Scottish Government.

However, I am not sure there is much more that the Parliament itself can do about this. The onus to address the problem – such as it is – lies mostly with the media.

### Checks and balances to ensure effective Parliamentary business

The Parliament was established on the basis of some aspirational ideas about a new style of politics and, in particular, a rejection of the often-sterile confrontation and tribalism of Westminster. However, in retrospect, it was perhaps naïve to rely so heavily on a more proportional electoral system and a committee-based approach to provide the checks and balances that any effective Parliamentary system requires.

In terms of committees, there does seem to be strong evidence that electing committee chairs in the House of Commons has yielded benefits, giving chairs a stronger mandate and reducing political patronage. It seems likely that Scottish Parliament committees could also benefit from such an approach.

In relation to Chamber debates, I believe the Parliament has over-emphasised proportionality (i.e. allocating speaking opportunities among parties in proportion to those parties numerical strength) at the expense of quality and expertise. The aim of a debate should be to enable a full range of perspectives on an issue to be explored, and these are unlikely always to correspond to the headline views of the parties. In particular, because the practice is to rely primarily on business managers to put forward speakers on behalf of the party, MSPs with alternative or maverick perspectives sometimes struggle to be heard.

Linked to this is the inflexibility of a plenary schedule that is based on dividing up fixed amounts of time. Given the perceived need to bring the day’s business to a conclusion by the agreed “Decision Time”, debate-management largely consists of dividing the available time into debates of pre-determined length, each sub-divided into individual speaking slots (typically of 6 minutes). Short speaking-slots make it difficult for anyone to develop an argument on a complex or multi-faceted subject, prompting many speakers to focus on a few “headline” points, even though these may be similar to those already made by many others. It is also difficult to avoid situations where one debate is clearly over-subscribed, whereas in the next it is clear that members have been pulled in to speak only to ensure the allocated time is used.

I would like to see a more flexible and responsive approach to debate-management, which allows more variation both in how long individual debates are allowed to run and in how debating-time is allocated to individual speakers. Those who need more time to develop an argument should (within reason) get it, while those who only wish to make one or two focused points should be given more chance to get those across (including by making interventions, which members should be more willing to take if

they have longer to speak in the first place, or if they know their speaking time won't be reduced).

Finally, on legislation, I would strongly advocate requiring a short interval (of at least a couple of days) between the plenary amending stage (the first part of the Stage 3 proceedings) and the final debate on whether to pass the Bill (making this, in effect, Stage 4 of the process). A short interval between the two would give everyone involved an opportunity to check that the combined implications of any amendments agreed to (perhaps unexpectedly) had been thought through – and, if need be, to lodge further, technical amendments to resolve any problems. Although the standing orders already provide a means to do this, the facility has rarely if ever been used. This is understandable – once an expectation has been created about when a Bill is to be passed, delaying it at the last minute will be seen as an option of last resort. Better, therefore, to make this the norm (though perhaps with an option to dispense with the interval if the Bill wasn't amended at Stage 3), giving everyone more confidence that Bills passed fully reflect the policy intention and that any loose ends from the amending stages have been identified and resolved.