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Commission on Reform of the Scottish Parliament: Commission Chairman: John McCormick

Submission date: Friday 24th March 2017

Response/Submission sent by Mrs Ann Packard FRSA HonFRIAS, on behalf of a small group of RSA Fellows.

Please see the important **caveat** immediately below

NOTE: this submission is from a small group of RSA Fellows in Scotland rather than one prepared formally/officially by the Society in London (which has had little direct or sustained engagement with the Scottish Parliament). For the avoidance of confusion, it is not a formal Society response, although its terms have been noted and approved by the RSA's Governance Officer in London (a former barrister) and seen by one of the RSA Fellowship Council Members for Scotland (who is also a Trustee), as also the Society's secretariat representative in Scotland.

Background: The Fellows involved have all had frequent and regular engagement either before and since the Scottish Parliament's inception – *inter alia* by evidence, by active involvement in Cross Party Groups, by policy engagement with civil servants and by publication(s) about the Parliament etc. One has specific experience as a past board member of CIVIC FORUM (plus involvement in the Values Education Council). They therefore welcome the opportunity to submit this perspective, being by majority of the view – as a collaborate grouping – that they might seek involvement in any revised and duly Scottish Government funded Civic Forum. Information sources of relevance are shown in an Appendix on page 6.

THE KEY SUGGESTED STRUCTURAL REFORM is at Page 4

Some of the comments and questions below relate - overtly or obliquely - to the 1997 “*Shaping Scotland's Parliament*” with its four principles of *Accountability; Open-ness and encouragement of participation; Power Sharing and Equal Opportunities*, and begs the question as to whether these have yet been met in adequate or appropriate measure. This paper is intentionally brief: its purpose is to serve as the basis of discussion(s) with John McCormick.

The Parliament was to embody and reflect power sharing, noting the accountability of Government to the Parliament – and in turn Parliament and Government to the electorate.

Scotland, in common with all nations, can only be well governed if there exists a truly capable opposition – and an opposition also able to work purposefully with all colleagues to produce a truly strategic approach to the development of policy and legislation (and review of same). Committees deserve better framed legislative drafting and need access to improved levels of legal advice especially in any forthcoming period(s) of constitutional change, and despite allegations of the costs involved.

A model for change is suggested for discussion. Changes in committee structure should encourage membership for longer periods (appreciating that ministerial and other changes affect this at times adversely). Continuity may encourage the acquisition of expertise, cohesion, clarity and cogency of proposals rather than MSPs being burdened on short-term bases on different committees.

Civic society – or parts of it, notably industry and commerce – abhor short-termism: it leads to concentration on any current parliamentary session and may not sufficiently address critical issues facing a nation ten and twenty years ahead. That said, the Scottish Futures Forum (SFF) and other bodies such as the Goodison Group in Scotland (Chairman Sir Andrew Cubie CBE FRSA FRSE) at times take, usefully, a rather longer view. Should there be any changes in SFF engagement with other Scottish think tanks by day-long or residential “total immersion” policy weekends?

(Page 2 overleaf, listing numbered points)

1. Political life in Scotland since the Parliament's inception is ever-changing and whilst Holyrood may appear both accessible and "taken to heart" there is need plus scope for change and improvement as new fiscal powers devolve.
2. With the devolution of powers there is a need both for additional / alternative methods of robust and informed scrutiny. **A model follows at page 4 of this submission.**
3. With the changing workload, there arises questions as to
 - (a) size and dynamic of the Scottish Parliament and the question of a revising chamber,
 - (b) issues surrounding audit and the Parliament's relationships with bodies such as SFC and Audit Scotland.
 - (c) Does the establishment of the **Scottish Fiscal Commission** meet Scotland's current and future needs? Is it adequately staffed and resourced overall?
 - (d) Inadequacy of pre-expenditure scrutiny could be socially, financially and politically catastrophic.
 - (e) By the same token, post-expenditure scrutiny should be carefully scrutinised and audited – Scotland's tax-paying workers may have a heavy burden to bear as demographic changes impact on society.
 - (f) Will changing relationships between the **Audit Committee** and **Audit Scotland** require new/revised protocols?
 - (g) Ditto between Subject Committees and the Audit Committee and Finance Committee.
 - (h) Ditto between the re-structured CPGs with Parliament provided secretariat(s), as suggested by one of the group framing this submission (see below at page 5)**
4. The Commission should consider the potential value of a revived, robust, inter-disciplinary and fully publicly funded **Civic Forum (see Appendix re that of 2004/2008)**. Appropriately structured and resourced it might become a body with impact and influence, with options for formal review and revision, with defined direct lines to the proposed and different CPG Structure.
5. Whilst the Parliament seems – and to some easily is – open and "accessible" there are questions around outreach, engagement and the potential for holding meetings outwith the Parliament building. Only then can there be a consistently understood – and widely promulgated - meaning of, and understanding of, the differences between: outreach, participation, consultation and engagement. The CSG thought participation to be "a civic role in decision-making": has this been achieved? Does the terminology needs "spelling out" for the benefit of **mutual** understanding notably with those who currently engage less with the Parliament than others?
6. Whilst the Standing Committees may serve at present, will the devolution of fiscal powers require an alternative Committee and CPG structure minimising domination by any one political party.
7. As an observation, the work of SPICE and its balanced briefings is significant and to be valued: could these briefings be regularly and widely issued e.g. to Schools to support Modern Studies? Do these provide for improved outreach and engagement with young people, harnessing changes in technology and linking to Curriculum for Excellence? What may we learn, e.g. from Young Scot and/or Parliaments ex UK?

(Page 3 overleaf, commencing at listed point no.

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8. Are there further means – obligatory CPD (as for virtually all professionals) - which would enhance the knowledge of MSPs and their research staff? Are there further means – such as

restructured and sustained engagement with think tanks such as the David Hume, RSE and the highly inter-disciplinary RSA – to engage with professionals outwith the Parliament in cost and time effective and re-structured ways?

9. Any proposal that the Scottish Parliament be wholly less adversarial than Westminster has not yet been met, and is perhaps inevitable given constitutional issues forefront over so many recent past and future years.
10. Chamber sittings and timings, will the current style and timings be adequate in the future, given new devolved powers? Whilst extended time for FMQs is good, more opportunities to interrogate Ministers will be and become more important.
11. The words of Presiding Officer Reid at the opening of the Holyrood Building ring true – the Parliament has indeed been in actuality “open” to many of all ages including school-children on educational visits. It is open in theory to all. Of note and excellence are past exhibitions (US photographer in 2016, Great Tapestry etc.), receptions, the often exhilarating Festival of Politics, the frequent World Press Photography Exhibition and so on. But could video/Skype be used too?
12. And yet, and yet, is the voice of the less usual suspects sufficiently and consistently heard and heeded across mainland and island Scotland? Are academics and others adequately consulted in what too often still remains a silo-driven society with niche lobby groups having highly honed skills of engagement and thus different access? Are consultation periods adequate in length – sometimes being inappropriately timed (e.g. over Christmas)? The Parliament may be better served and more accountable and better scrutinised if it engages in improved consultation, engagement and outreach. Again, and in terms of reaching those in remote rural areas, modern technology might assist: how will the Commission promote and influence such developments (noting those connectivity issues of such concern to Ofcom, rural and remote rural communities)?
13. A suggested structure for discussion is overleaf - on page 4.

This structure has been suggested by one of those involved in this submission, who has had extensive relative engagement on a UK-wide basis with Westminster, Holyrood and e.g. HMRC/Treasury. Another has suggested review and possible use of international benchmarks re outreach/consultation/engagement, noting also the value of the use of technology – for subject/issues discussion – by Young Scot.

The CRITICAL ISSUE: issues perceived as failings in the present system.

The pressure on legislators in all the UK's Parliaments and Assemblies will be immense as UK Legislation, enacted following EU Directives, is amended, and EU Regulations having Direct Effect are translated anew into UK Legislation. The pressure on the Holyrood Parliament will be even greater if Gordon Brown's proposal that some implementation is transferred direct to Holyrood, and not via Westminster, is adopted. Holyrood will need all the help it can get, and the suggested amendments to the remits and structures of the Cross Party Groups could make a major contribution

The case must be made for both quality of legislation and revisions and scrutiny of same without a formal revising chamber. There is also some concern about the option to increase the number of MSPs.

It is suggested that Standing Committees remain, preferably with secretly elected chairmen preferably from non-dominant party thus reducing chairmanship changes after ministerial re-shuffle(s), and that Cross Party Groups are wholly re-structured.

All CPGs (with possible change of nomenclature and reduction in overall number) to be split into two elements. **Group A** – say five MSPs - would be formal members accruing the status of a Parliamentary Committee (c.f. Westminster) and would be chaired by an MSP preferably not from any dominant party, and would be supported by five remunerated appointed members with genuine expertise, selected for this by the Board of SFF plus, say, two to three rotating others but not by Government. These appointees would stand for strictly limited terms, to allow “refreshment”/rotation.

Taking FINANCE as an example, the “outsiders” might be two tax experts (one lawyer, one chartered accountant) plus an economist and a figure from industry and a key voluntary sector figure.

The AIM? Hybrid of a Westminster Select Committee and current Scottish Parliament CPGs.

Result? A more effective understanding by MSPs of the need for, and implications of, deliberations and decisions.

Groups in Category A, backed up by a professional secretariat from the Parliament, would have more “clout”, cogency and clarity on issues and would be required to have a prescribed number of meetings with interested and informed parties (c.f. current CPGs) here defined as **Group(s) B**. Groups B would look similar to current CPGs. To add value, the concept of one MSP and one non-MSP from each Group A going on the road is suggested (albeit the same two each time obviously) having local meetings face-to-face all over the country the hour before the CPG meets in Holyrood, with the local participants remaining as observers while the two from CPG take their usual part in the CPG meeting via Skype or whatever.

An additional structure of value would be the formalisation of pre-consultation consultation as executed by HMRC. **The AIM and Result?** Improved quality of initial proposals and draft legislation notably at a time when fiscal responsibilities in Scotland are changing.

Quotes and Appendix form page 5

QUOTES from some FRSA invited to make observations – including the grey highlighted opening paragraph on the preceding page:

ANGUS/TAYSIDE: With the added responsibilities which are coming to Holyrood, a review is timely. Token gestures to consultation and access to all have evolved over the years, yet to many of us these two important aspects of the original parliament have all but disappeared.

EAST LOTHIAN:

- the commitment of Scottish Parliament and MSPs to engage people is very welcome and is a clear step forward from a purely consultative approach
- the opportunities to engage both in and outside of the Parliament building in Edinburgh are great, and should be the benchmark that we look to emulate across the country
- can we have some international benchmarks to aspire to and measure our progress against, as public engagement will always be a work in progress
- streaming of debate is good, and public institutions should be encouraged to put this into their public space. For example why not replace the NLS BBC stream in the cafe with Scottish Parliament streaming?
- the quality of chairing and debate in CPGs tends to be quite high and it is a model that could be rolled out to other locations
- offering attractive and accessible online experience around sectors or topics could really work well, and there is a lot to learn from organisations like Young Scot
- a focus on attracting young people into events, particularly in the Parliament, could change the atmosphere and attract more young people.
- community councils are not an answer to anything and are extremely unrepresentative, so should not be used to mediate between the Scottish Parliament and people

EDINBURGH: Rural Parliament leaves much (in many aspects) to be desired so, by some deemed highly biased, should not be taken as any example of true or significant rural/remote rural outreach/engagement/consultation: questionable as “civic”

APPENDIX: *A range of sources were available to the small group of Fellows involved in framing these comments.*

Inter alia they included:

Information regarding Constitutional Convention and the later CSG

Proceedings of the Scottish Parliament

Proceedings of groups such as the CSPP, David Hume Institute, Goodison Group in Scotland, RSE, Law Society of Scotland
Publications: Scottish Parliamentary Review, national broadsheets and periodicals such as Holyrood Magazine and “Instant Portraits: The Handbook of MSPs”

Websites of Scottish Government, Scottish Parliament, Audit Scotland, Law Society of Scotland and others, such as SCVO
E-democracy/grass roots leadership movements e.g. Citizen Participation Network which involves Oliver Escobar, a University of Edinburgh Lecturer in Public Policy who is also Co-Director of “What Works”.

Consideration of Hansard Society publications, one group member a former member of (i) 300 Group (ii) Hansard Society.
Sewel Convention: emphasises separation – rather than beneficial liaison.

Legislation e.g. Scotland Act, Lobbying Act.

Martin Sime quote in Holyrood Magazine: “The CSG tells us some different truths – genuine leadership from prominent civil society leaders with much gerrymandering by the civil service. Its four guiding principles [***NB: See page 1 of this submission***] are as relevant and under threat today as they were when first agreed.

Scottish Civic Forum: Additional Background information could be made available via its formal archive: this is taken from a Scottish Government website: The Scottish Government offered the Scottish Civic Forum grants of up to £40,000 in 2005-06, £90,000 in 2006-07, 2007-08 and £20,000 in 2008-09, with the purpose of building capacity within civic society, increasing awareness in civic society organisations of the contribution they make to sustainable development and of their potential for increasing this contribution. The intention was that the project would also support regional events for groups and organisations to share their conclusions, including consideration of an annual 'Future Scotland' conference. The outputs were to include a tailor made awareness raising tool; training and development modules and activities for use with organisations' annual pledges of activity in support of sustainable development. This project aimed to deliver a higher profile for and greater awareness of sustainable development amongst civic society organisations using the tool and measurable changes in the behaviour of these organisations in relation to environmental awareness, economic impact, inclusiveness and participatory government. The Scottish Government's funding of the Civic Forum work on this project ended in June 2008.