



The Scottish Parliament
Pàrlamaid na h-Alba

The Presiding Officer

Martin Whitfield MSP
Convener
Standards, Procedures and Public
Appointments Committee

7 June 2022

Dear Convener

SPPA Committee inquiry into Future Practices and Procedures

Thank you for your letter of 19 May seeking the Parliamentary Bureau's views on the future practices and procedures of the Parliament.

The Bureau discussed this matter and was interested to note the summary of key points emerging from the range of evidence you have collected so far. The Bureau's comments on your various questions are arranged below.

Whether there should be criteria for participating virtually in Chamber business or whether it should be a matter for a Member to decide upon themselves?

If there were criteria, whose role should it be to approve virtual participation?

Should there be time limits for a Member indicating that they wish to participate virtually?

The Bureau considers that the default position should be that Members are present in person in the Chamber or in Committee whenever possible. However, the Bureau notes the flexibility provided by remote participation and that this can be used as a way of enabling Members to participate in business while, for example, managing caring responsibilities and other commitments, as well as any health issues.

Business Managers do not consider that there should be specific criteria for virtual participation or that time limits should be set for indications of virtual participation. It is recognised that, while not being prescriptive about time limits, the more notice given of intended remote participation the better, but that the circumstances in which Members may wish to participate remotely may arise at short notice. For example, if a Member had had to make provision for childcare or other caring responsibilities at short notice, if a varying health condition might mean that a Member was not able to travel to the Parliament or if there was local transport disruption. while not prescriptive,

Business Managers noted that it would not be desirable for the number of remote attendance to outweigh in person attendance for meetings taking place in a hybrid format, or for any Member to choose to participate only virtually on a very regular or permanent basis (other than in instances such as ill health). However, it was considered that remote attendance was a matter of judgment for each Member. It was also noted that Business Managers have a role in making sure that attendance in the Parliament is maintained at an appropriate level.

Should there be different expectations or requirements in relation to Ministers appearing physically in the Chamber than Members more generally?

Business Managers noted that, as with other Members, the default position for Ministers should be to participate in person. However, remote participation should also be allowed if circumstances arise where a Minister is not able to attend in person.

The Bureau considered the different position of Ministers compared to other Members, given the accountability of the Government to the Parliament. Some Business Managers consider that if a Minister is not able to attend in-person, it would be preferable for another Minister to stand-in for them, noting that some advance notice of this would be helpful so that there was an opportunity for the Minister stepping to have the information necessary to respond to a debate or questions. It was also noted that, in case of illness, this approach may mitigate expectations that a Minister (or any other Member) should participate remotely when they are not well enough to do so.

Does the Bureau share the concerns expressed by some about the impact on debate of Members participating virtually or the potential for a diminution of opportunities for Members who attend the Parliament less as they are able to participate virtually?

The Bureau recognises that the inability of Members participating in debates remotely to make or take interventions has not been optimal. The work being undertaken to enable this to happen from September of this year is welcome.

However, the Bureau is also of the view that things can be missed if Members are participating remotely. For example, non-verbal communication and the 'temperature' of the Chamber can be difficult to judge when participating remotely which may put the remote Member at a disadvantage compared to those who are present in person.

In addition to the benefits that in-person attendance can bring to participation in the formal areas of the Parliament – the Chamber and committee rooms – the Bureau would also highlight the importance of informal spaces and interactions for Members. The Bureau would highlight the importance of Members being able to establish relationships and shared areas of interest, both within and across parties, as well as the opportunities for engagement with stakeholders via events and exhibitions. Business Managers consider that the first year of this Session has demonstrated those challenges, particularly for new Members who will have had less opportunity to establish such relationships than the groups of newly elected Members will have experienced in previous Sessions.

Should there be different types of approaches for different types of Chamber business? For example, many Members stressed the importance of being in the Chamber to participate in debates but there appeared to be less concern about question times.

Business Managers recognise that there are some items of business that may seem more suited to remote participation. However, the default position of in-person participation being preferable would apply to all items of business.

The Bureau would be concerned about the potential for some types of business being seen as having any greater or lesser value than others. All items of Chamber business form an essential part of the scrutiny function of the Parliament and provide an opportunity for Members to represent the interests of their constituents.

Is there the potential for meetings to be completely virtual in certain circumstances? For example, in the event of a potentially severe weather event or a recall of the Parliament during a recess, would the Bureau consider agreeing that a meeting of the Parliament should take place completely virtually?

Yes, in the event of severe weather, or circumstances that may require the Parliament to meet at short notice, wholly virtual meetings (including remote voting) would form an important part of the Parliament's business continuity provisions.

Whether the Bureau would support the use of pilots in order that changes to procedures could be tried and evaluated before being adopted?

Yes, the Bureau would support the use of pilots in order to inform consideration and evaluation of changes to procedures prior to their being adopted permanently.

The extent to which the voting system has changed the pattern of voting in the Parliament and whether the Bureau supports the continuing use of the virtual voting system in the future?

The Bureau notes that a significant number of Members continue to join the Chamber remotely for the purposes of voting. Given the comments noted above about the flexibility that is provided by hybrid arrangements, the Bureau supports the continuing use of the digital voting system. The Bureau recognised that there has been ongoing development and improvement of the digital voting system since it was introduced and that this approach should continue to identify any potential improvements in the operation of the system.

Whether the introduction of a proxy voting system would provide a further route for members to ensure that they could exercise their vote, for example in relation to parental leave or in cases of ill-health?

Business Managers consider that there would be value in further investigating the introduction of a system of proxy voting. In discussing this matter, Business Managers noted the informal pairing arrangements that are currently in place between the Scottish National Party and the Scottish Conservative and Unionist Party which provide some flexibility in circumstances where Members are not able to vote and that a formal proxy system may provide more certainty than these informal arrangements.

Business Managers discussed some of the circumstances in which a proxy system may be appropriate, such as parental leave, and noted that any proxy system would need to clearly define the circumstances in which a proxy could be given.

The Bureau notes that there would need to be sufficient scrutiny of both the technical and procedural options for operation of a proxy system before consideration could be given to introducing or trialling this method of voting. Notwithstanding the need for scrutiny of technical and procedural matters, a view was also expressed that it would be possible to trial a proxy system as soon as after the summer recess.

I hope this response is helpful for your Committee's deliberations.

Yours sincerely

A handwritten signature in black ink that reads "Alison Johnstone". The signature is written in a cursive, slightly slanted style.

Rt Hon Alison Johnstone MSP
Presiding Officer