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Standards, Procedures and Public Appointments
Committee
The Scottish Parliament
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Dear Martin,

Report on strengthening committee effectiveness

The Scottish Government has considered the Committee's recent report on strengthening committee effectiveness, which followed the Committee's inquiry into this topic.

Following our consideration, I am pleased to provide a response setting out the Scottish Government's views on some of the recommendations. Given the Committee's findings largely relate to the working of the Scottish Parliament, rather than the Scottish Government, the response is focussed on areas which are most likely to impact the delivery of government business.

I hope that you find this information helpful and I look forward to discussing the report in further detail during the Committee debate on 6 November.

Yours sincerely,



GRAEME DEY

Scottish Government's response to the Standards, Procedures and Public Appointments Committee Inquiry into Committee Effectiveness

Introduction

It is right that how the Scottish Parliament operates is kept under review to ensure the best ways of working can be identified and implemented, where there is consensus to do so, particularly given it has recently celebrated its 25th anniversary. Ensuring the most optimal ways of working are identified is essential for both Parliament and Government to ensure there is effective scrutiny of government activity and legislation.

While the Scottish Government welcomes the Committee's report and its focus on this area, it is important to protect the constitutional principle that Ministers are accountable to the Parliament. For this reason, the Scottish Government's views on committee effectiveness – both in general and in relation to the Committee's report – are limited. This is to avoid any perception that it is directing how Parliament should discharge its responsibilities. Instead, the Scottish Government's main interest lies in considering how any proposed changes might affect the delivery of Government business.

There are a number of areas in which the Committee has taken evidence and made recommendations in its report, that Scottish Government would not take a view for the reasons set out above. These largely relate to –

- Culture on committees
- Training and support for MSPs
- The Parliament's Gender Sensitive Audit
- Committees relationships with stakeholders and the public
- Size of committees
- Role of conveners

Where the Scottish Government does have an interest in the recommendations, I have set out the Scottish Government's view below.

Capacity and workload of Committees

Paragraph 376 - It is probably not realistic to expect there to be a significant reduction in the amount of legislation both primary and secondary referred to committees. Both the Scottish Government and individual Members have the right to pursue their own legislative priorities by introducing Bills and seeking to amend legislation at Stage 2. Similarly, committees have the right, and obligation, to give proper scrutiny to that legislation.

I welcome the Committee's acknowledgement that government must have the ability to bring forward its legislative programme. The number of Bills being brought forward by the Government is broadly consistent across recent parliamentary Sessions and there is no data to suggest that committees are having to scrutinise more legislation than was previously the case.

It does seem to be the case that, on average, it is taking longer for Bills, particularly at Stage 1, to be scrutinised. That has obvious consequences for the ability of committees to

undertake other scrutiny activity. The Government would always encourage Parliament to avoid a one size fits all approach to the scrutiny of Bills and ensure that its approach is flexible and proportionate. Doing so should help enable committees to effectively manage workload and capacity issues.

We must also acknowledge that there does appear to be an increase in the number of amendments being lodged by MSPs at Stage 2 and Stage 3. It goes without saying that the more amendments lodged will naturally increase the time required for the Committee or Chamber to consider them.

Paragraph 377 - With these circumstances in mind, we consider that the deadline should be brought forward for when Members Bills must be introduced by in a parliamentary session. We suggest that the deadline be moved from the first sitting day in June in the calendar year proceeding a general election to the first sitting day in December in the third year of a parliamentary session. Whilst this reduces the time for Members to introduce their own legislation we consider that this could potentially reduce some of the pressure of legislation on committees in the final part of the parliamentary session as it would bring forward committee consideration of members bills.

As the Committee will be aware, there are currently 13 Members Bills still before the Scottish Parliament with only 5 months left in the parliamentary session. In Session 6, 58% (11) of Members Bills were introduced in the final 6 months of the allowed introduction period which ended on 2 June 2025. Of those 11 Members Bill, 5 came in the final month before the deadline.

The current deadline for lodging member's Bills has resulting in a large number (10) of Members' Bills being at a relatively early point in their scrutiny, and this will contribute to a bottleneck of scrutiny activity for committees and plenary to manage in the run in to dissolution.

The Scottish Government recognises that the earlier lodging deadline proposed for Members Bills may help reduce that bottleneck in future Sessions.

Paragraph 378 – We also consider that the Scottish Government should be mindful of workload pressures of committees when planning its legislative timetable.

The Scottish Government notes the need to ensure that it is able to progress the policy programme it was elected to deliver and bring forward the legislation which is required to support that. However, the Government would also emphasise that it gives appropriate weight to committee capacity when forward planning each of its legislative programmes. For example, the Government will generally seek to avoid Bills which are likely to be referred to the same lead committee for scrutiny being introduced at the same time. Similarly, the Scottish Government plans its SSI programme to ensure overall and committee volumes are manageable.

Engagement with Parliament is a key part of our work when designing and delivering our legislative programmes to ensure Conveners are kept informed and parliamentary officials can plan accordingly.

Paragraph 393 - We recommend that early in the next session the Parliamentary Bureau considers recommending to the Parliament the formation of time-limited committees during the parliamentary session. This approach could enable the Parliament to manage the peaks and troughs in the legislative programme more effectively. It would also enable the Parliament's committees to respond to high profile issues that cut across remits, or to conduct work on specific areas of post-legislative scrutiny.

Paragraph 394 – Some of these time-limited committees could be formed to look at specific Bills. We consider this approach would be utilised most effectively on legislation of a cross-cutting nature that would fall beyond the remit of one committee. This would alleviate the challenge of conducting scrutiny on a bill where expertise may lie in multiple committees. It may also negate the need for secondary committees to consider legislation.

The Scottish Government welcomes pragmatic and flexible approaches to the management of parliamentary business.

The Government notes that time-limited committees or Bill committees are already possible within the Parliament's current structures, though they are infrequently used.

The Scottish Government believes the time-limited SPCB supported bodies landscape review committee is a good example of where such committees work well, ensuring a specific piece of work receives the required time and focus before the committee is wound done. Including proposed timescales and having a clear remit and output for such committees will be key to ensuring such committees remain fit for purpose.

The Scottish Government is supportive of time-limited committees being used to ensure cross-cutting legislation receives timely scrutiny which acknowledges the multi-committee interest.

Conclusion

The Scottish Government agrees that the ability of the Scottish Parliament's Committees to effectively scrutinise Scottish Government's activity and legislation is vitally important. It is essential that ways of working are revised and improved as the Parliament evolves over time.

The Scottish Government welcomes the Committee's focus on this area and would encourage future Parliament's to undertake similar reviews.