



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 15 May 2025

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
8th Meeting 2025, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*Emma Roddick (Highlands and Islands) (SNP)

*Sue Webber (Lothian) (Con)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Karen Adam (Banffshire and Buchan Coast) (SNP)

Rhoda Grant (Highlands and Islands) (Lab)

Ross Greer (West Scotland) (Green)

Jamie Hepburn (Minister for Parliamentary Business)

Rona Mackay (Strathkelvin and Bearsden) (SNP) (Committee Substitute)

Ash Regan (Edinburgh Eastern) (Alba)

Willie Rennie (North East Fife) (LD)

Douglas Ross (Highlands and Islands) (Con)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 15 May 2025

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Martin Whitfield): Good morning, and welcome to the eighth meeting of the Standards, Procedures and Public Appointments Committee in 2025. We have received apologies from Ruth Maguire, and I welcome Rona Mackay, who is attending as a committee substitute.

The first agenda item is a decision on whether to take in private agenda item 3, which will be a discussion of the evidence that we are going to hear today. Do members agree to take that item in private?

Members indicated agreement.

Committee Effectiveness Inquiry

09:00

The Convener: Our second agenda item relates to our inquiry into the effectiveness of committees. The inquiry seeks to find out whether changes to the Parliament's procedures and practices would help committees to work more effectively. We have taken evidence from a wide range of witnesses, who have provided both practical and academic expertise about the operation of committees. We held a facilitated discussion with the Conveners Group and have gathered written evidence via a public call for views and from other legislatures, parties and committees.

Today, we have an opportunity to explore the subject with the political parties and then with the Scottish Government, to find out their views on a range of themes and issues that have been raised during the course of our inquiry, which will help to inform our conclusions and the recommendations in our report.

We are joined today by our committee adviser, Dr Danielle Beswick. I also welcome Douglas Ross MSP from the Scottish Conservative and Unionist party; Willie Rennie MSP, representing the Scottish Liberal Democrats; Ross Greer MSP of the Scottish Green Party; Karen Adam MSP, representing the Scottish National Party; Rhoda Grant MSP from the Scottish Labour Party; and Ash Regan MSP, representing Alba.

I am keen to emphasise that we are seeking parties' views on the questions that we will pose. Given that we have a large number of witnesses, I am keen, wherever possible, for both questions and answers to be concise—which may be one of the recommendations from our committee inquiry.

I will throw you all straight into the den by handing you over to Rona Mackay, who has some questions.

Rona Mackay (Strathkelvin and Bearsden) (SNP): It is lovely to have all parties represented here today. I will begin with what might seem like a wee bit of a trick question by asking you to sum up the role of committees in one or two sentences. I ask Douglas Ross to start, and we can go round from there.

Douglas Ross (Highlands and Islands) (Con): I will try to take that advice by answering in one or two sentences. We are here to scrutinise Government legislation and Government ministers and to look at the topical issues of the day. If we do all three things, we will perform well as committees.

Willie Rennie (North East Fife) (LD): I agree with Douglas Ross.

Rona Mackay: That was short.

Ross Greer (West Scotland) (Green): I do not think there is much to add, because Douglas Ross has summarised it well.

My only other point is that members can be elected with a particular interest that may not appear to be the issue of the day or that may not seem topical at the time. If members are aware of a particular topic, they can suggest it for an inquiry and bring it into the process of planning the committee's work. That has, in the past, led to some really effective inquiries that have resulted in change. I do not think that that is more important than legislative scrutiny, but being able to bring topics to the table, even though they have not appeared on "Reporting Scotland" the night before, can also be an important part of the role.

Karen Adam (Banffshire and Buchan Coast) (SNP): We are here to uphold democracy and to be the voice of the people who elected us to come here. That includes scrutinising the Government and making good law, but that scrutiny does not stop when a bill is presented at stage 1; it is an on-going process, because law and democracy are living entities that we must continually scrutinise to make them the best we can. It is the duty of Parliament and its committees to uphold that.

Rhoda Grant (Highlands and Islands) (Lab): I agree with what everyone else has said and will add two points. Committees can take a deep dive into issues that may not be topical but might be important. This committee is also interested in post-legislative scrutiny, and committees have a role in looking back to see how things have worked.

Ash Regan (Edinburgh Eastern) (Alba): Yes—that is what I was going to add. In addition to what Douglas Ross said, we could and should be doing post-legislative scrutiny better as a Parliament.

The other thing that I would add is about something that I was not particularly aware of. I have just started sitting on the SPCB Supported Bodies Landscape Review Committee, which is an extra short-life committee, and, during our discussions, it has come out that members of the Scottish Parliament and its committees are responsible for monitoring the performance of the bodies that are supported and funded by the parliamentary corporate body. MSPs and committees are possibly not aware of that, and they are certainly not doing that as they should be.

Rona Mackay: What are your parties' views on the performance of our committees?

Douglas Ross: We might not all agree on this one. Our submission is clear that we think that a lot of good work is being done in committees but performance could be better. Some of our suggestions are aimed at improving the effectiveness of the committees.

We might get on to this later, if others are planning to ask about it, but we look at the d'Hondt system for allocating members. We think that committees would perform better if the in-built Government majority was removed, so that there was better cross-party working.

On Ash Regan's point about post-legislative scrutiny, we believe that the change that was made a couple of parliamentary sessions ago to bring that role into the subject committees was made for very good reasons, because those committees have the expertise to do that scrutiny. However, because of the workload of most of our committees, it is now not getting the attention that it should. Therefore, in our submission, we say that we should go back to having a stand-alone committee on post-legislative scrutiny.

Finally, on effectiveness, we believe that some of the committees are too big. I include in that the Education, Children and Young People Committee, which I convene and of which two excellent members are with me here today—I am not trying to get rid of them. Mr Rennie and Mr Greer are current members, and Ms Webber previously chaired that committee. When you have a 10-member committee and a panel of four or five witnesses, it can be difficult to get through meetings on time, as it proved yesterday, when we went about an hour and a half over time. We believe that all committees should have either seven or five members, as that would allow for more focused questions from the committees.

Willie Rennie: I think that Ross Greer and I are the only two original members of this session's education committee left. The membership has rotated a lot—far too much. I know that that is up to the parties, but I think that it means that the committee loses knowledge, and the team that is created also goes. I therefore appeal to the whips not to rotate members so frequently.

I am not casting any aspersions on the current Scottish National Party members of the committee, but when we scrutinised the Children (Care and Justice) (Scotland) Bill, the three SNP members were prepared to step out, not vote with the whip and test the Government minister in a way that I thought showed a committee working at its best. They were not being rebellious; they were just doing the right thing, and that does not always happen. We sometimes see members with the whip in front of them, and they vote in exactly the same way every single time and do not question anything. I have seen both extremes.

My point is that a lot of this is down to individuals. The structure has an impact and it incentivises different behaviours, but, unless you have a culture that is collaborative and unless members of the governing party are prepared to test and challenge, you will get a bit of a stultifying experience whereby nothing really moves forward. When the members challenge, ministers are forced to engage more effectively, and I think that they do a better job as a result. I think that we ended up with a better Children (Care and Justice) (Scotland) Bill as a result of those members behaving differently.

We need some structural reform, but my appeal is for members of the governing party to see the benefit of straying just a little bit from the whip into challenge, rather than just adhering to what they are told to do. That is my advice.

Ross Greer: I agree with that. I would add to Willie Rennie's point that the turnover of committee members can exacerbate one of the problems with Scottish Parliament information centre questions that we highlight in our submission. If a member has been on a committee for a short period and is going to be off it within a couple of months, there is less incentive for them to become familiar with the topic at hand. Turning up, reading two SPICe questions, switching off, doing your emails and then leaving for another week is not effective scrutiny.

As Rhoda Grant said, committees offer the opportunity to take a really dive deep into an issue, which is what we want from that process. The SPICe questions are there as a broad guide, but they are too often used as a script, and they will get a scripted answer, particularly from a Government minister, in response. That might happen for quite understandable reasons. When non-Government witnesses come to committees, they are given a pretty good idea of the specific questions that they will be asked, because we want them to feel comfortable in the setting. However, that results in scripted questions and answers, and I am not convinced that it makes for particularly effective scrutiny.

I have also been on committees for which very high-quality SPICe papers have been prepared but the convener's decision has been that no questions should be provided in the papers. It is then up to members, based on the SPICe briefing, to decide what they want to talk about, and that improves committee effectiveness.

My other point, based on the clear consensus that we do not do enough post-legislative scrutiny, is about use of the full parliamentary session. The first half of a parliamentary session is often spent doing topical inquiries into committee members' various areas of interest, and the second half is spent on an incredibly pressured legislative

timetable—it is often bill after bill—so there is no space to do topical or reactive work. That is partly because, at the start of a Parliament, a strong steer is given that not many bills will be introduced in the first couple of years. That should be the time when committees have the opportunity to do post-legislative work, particularly on everything that was passed in the previous session, as it will have had a couple of years to bed in.

It might be worth considering the guidance that we give to individual members, particularly as part of the new members' induction, but also to committees ahead of their first work planning session in the recess after an election. We probably cannot build a rigid structure—that should always be up to each individual committee, and a lot of discretion should be given to conveners—but there should probably be a bit more guidance. It should be, "Here's what you can realistically achieve over a parliamentary session, but bear in mind that, in the second half, you're going to be able to do far less of what you want, and your work is going to be largely dictated by the legislation coming forward." In that way, in the first half of the session, committees can plan to do all the other work that members collectively agree is necessary but is not happening.

Rona Mackay: Thank you. That issue will be covered in later questions.

Karen Adam: I disagree about removing a system if doing so undermines the democratic representatives that the people have elected to represent them in the Parliament, which includes committees that are scrutinising legislation. It is important that we have proportional representation in our committees.

The point about continuity is absolutely helpful. It works when you have people who have been there for a long time. I have been on the Equalities, Human Rights and Civil Justice Committee since the beginning of the session—I am now the convener—and continuity has been really helpful in that regard. However, having a fresh pair of eyes is not harmful. People can come in with fresh perspectives, particularly if they have some lived experience or background that is relevant to an upcoming bill or piece of committee work. Allocation should be up to the party groups, because they know one another's talents and backgrounds best, and that can be quite an intuitive process.

It is down to each individual member to choose how they work on a committee. The SNP has a very deep respect for the Scottish Parliament, and it really is in our interests to have robust scrutiny in order to make good law for the people of Scotland, because that ultimately makes for good, robust governance. For my party, it would be a case of training and supporting all individual members on

committees so that they know how to do that robust scrutiny as effectively as possible.

I want to plug the fact that, on the Equalities, Human Rights and Civil Justice Committee, we are doing a bit of post-legislative scrutiny of the British Sign Language (Scotland) Act 2015, and we are also looking at the implementation of acts and the delayed implementation of the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020. You have to work with other members on your work programme in order to see how you can work the scrutiny in.

What the committee covers is down to individual members and what is happening in the moment. Topical issues arise that you absolutely have to make space for. As time has gone on, social media has started to play a big part in how committees and the overall Parliament are run, compared with how committees were years ago. People sometimes want clips for social media, and the politicisation of certain topics might not help. In that regard, it is important that we have robust training for members who go on committees, so that they know and understand how important it is that they should be respectful when they scrutinise legislation.

09:15

Rhoda Grant: I agree with a lot of what has been said, which I will not rehash. It is important that committees work together. You need to form that bond in the committee so that people can fill in behind each other, understand the topics—although some of that is down to SPICe briefings and the like—and work together to scrutinise and dive down into the information.

When the Parliament was first set up, it was impressed on members that, when they went into committee, they left their party affiliation outside and followed the evidence. That is really important, and it binds the committee a bit tighter to work together.

We might favour a wee bit more flexibility around committees. If we need to set up additional committees—and sub-committees and rapporteurs—we should do that, to make sure that there is enough support for the work that needs to be done.

We might also favour having smaller committees. Some members are on three committees, and if you are on three committees it is very difficult to get across all the information. Smaller committees tend to work better together, and they seem to get to the issues faster. In addition, if a committee is overloaded—which happens a lot as we come to the end of a session—why not set up other committees to deal

with specific bits of work? We should not cut back and restrict what we do; we need to scrutinise.

Ash Regan: I agree with much of what has been said by colleagues. The performance of committees can be excellent, and this committee has carried out some really good work. When it comes to inquiries—I was on the other end of one, because I was a minister at the time—last session's Public Audit and Post-legislative Scrutiny Committee's post-legislative scrutiny of the Control of Dogs (Scotland) Act 2010 was very hard hitting. It had a high level of buy-in from the public and made a good impact.

I have been on a bit of a journey through the Parliament, as I have sat on eight committees and have been in different political parties, so I have seen both sides and I possibly have a slightly different view of things now than I had previously. Generally speaking, it seems to me that there is a strong correlation between a committee having a strong-minded, independent convener and the performance of that committee. We see that during this session as well. Some committees stand out as doing excellent work in holding the Government to account while others do not. We have had some examples of very poor practice in committees. During this session, the Equalities, Human Rights and Civil Justice Committee failed, in my view, in its scrutiny of the Gender Recognition Reform (Scotland) Bill. I can go into that in more detail, but to do so might not be appropriate for this question. I can come back to it, convener, if that would be useful to the committee.

We are all very busy, and the Parliament as a whole delegates the responsibility for scrutiny to the subject committees, particularly when it comes to important pieces of legislation. If the Parliament does not feel confident that that scrutiny has been carried out effectively—I believe that to have been the case in the instance that I just referred to, in which the reputation of the Parliament was tarnished both internally and with the public outside—there is an opportunity. We need to have a better way of assessing things whereby we go back and look at whether they worked and, if they did not, at how we can make sure that such things do not happen again.

I agree with the comments that have been made about the need for committees to be smaller. When it comes to the committee that I sit on at the moment, many of our witnesses have said that capacity is an issue. I am talking about commissioners who are doing important work and writing reports, which the public pay for and which have an impact on the public life of Scotland. They say that no committee has scrutinised their report or called them in to talk about it. The way to address that is to have fewer members on committees. The committee that I sit on has five

members and is considered to be quite small, yet it is working very effectively. None of us really knew each other before, but we are getting stuck in. I therefore agree with what Rhoda Grant said on that issue.

When I was in the Scottish National Party, I was on three committees at one point. I do not think that any member of the Parliament should sit on three committees—that is far too many.

Rona Mackay: I agree with you. However, the practicalities are that that has to happen, because of how few back benchers we have.

Ash Regan: That is just my opinion—you can take it or leave it.

Rona Mackay: I agree with you, but it is not possible for some members not to sit on three committees.

Ash Regan: It would be possible if we had fewer members on each committee—that is my point. If we cut the numbers down and did not have such big committees, potentially, there would be an opportunity for members not to have to sit on so many committees. I think that we would all agree that committee participation is very important, and I do not think that members are able to give it the commitment or level of attention that they should if they sit on three committees, or two very big ones. That is my experience.

I also think that we should consider having elected conveners.

Rona Mackay: We will come to that. Everyone's answers were really helpful. A lot of what was said will be fleshed out in later answers.

My next question touches on something that Ross Greer said. In other parliaments, the role of committees is clearly defined at the outset, which is described as being a good way to support their effectiveness. Do you think that we should more clearly define the committee system for both new and old members?

Douglas Ross: I returned to the Parliament in 2021 as the leader of a party that had some very new MSPs, and I was keen that the party supported them with committee participation. Although we do a lot in the chamber, and the Parliament does a lot to ensure that members can deliver speeches in the chamber, I feel that individual parties should prioritise committee scrutiny, because our work in committees is as important as our work in the chamber. From the very beginning, there is an onus on the Parliament and individual parties to provide that support.

Ash Regan made a point about members being on more than one committee. A number of members are on two big committees—the Education, Children and Young People Committee

and the Finance and Public Administration Committee. I think that Ross Greer and John Mason aid our education committee discussions by drawing on some of their finance committee experience. I do not want to take away from what has been said about the workload, but being on more than one committee can be useful.

Perhaps understandably, we have spoken about scrutiny of the Government, but committees can also do an awful lot to scrutinise outside bodies. One of the most high-profile education committee sessions was an evidence session with the University of Dundee, which took place during what was to have been a free week. Our clerks had had an issue with other witnesses, so we were going to have time off, but I said that we should ensure that we meet every week. During our evidence session, we got answers for people who work at the university as well as for its students. The committee was able to scrutinise the interim principal and his fellow members of court. We also invited local MSPs to the meeting. Committees are important for members who sit on them every week, but, when they are having discussions about issues that are important for regional or local members, those members can come along and take part.

To go back to your question, if, at the start of the parliamentary session, members know that they are not confined to attending just the committees of which they are members but can ask to attend sessions that relate to their areas of interest at, for example, the Public Audit Committee, the Citizen Participation and Public Petitions Committee, and this committee, that will increase the breadth of knowledge across the Parliament.

Rona Mackay: That is a very good point.

Willie Rennie: I agree. When I was leader of my party, I did not sit on committees for 10 years, although, initially, I sat on the committee that examined the bill that would implement the Calman powers. Committee participation was an untapped world for me, and I have since enjoyed it. For the reasons that Douglas Ross has set out, I have enjoyed the education, committee, because I have been able to get into a level of detail that I would never be able to in the chamber, and witnesses who attend the committee know an awful lot of stuff. You can gain tremendous knowledge by listening to them, reading the briefings and learning from SPICe, which helps with the rest of your work. I think that committee participation should be emphasised at the start of the session.

Secondly, I am in favour of smaller committees, although there is an issue of proportionality. If committees are smaller, we need to recognise that the very small parties cannot be cut out altogether. We need to have proportional representation

across committees. Smaller committees would be more agile and nimble and could get under the bonnet of important issues.

Thirdly, I was in the House of Commons for four years and, for a period of that time, I sat on the Defence Committee. That was a select committee rather than a standing committee for legislation. Labour had a majority Government at the time, but Labour members left their rosettes at the door, so we were able to give ministers a really hard time. As I understand it, their whips did not put pressure on them for doing so, because they regarded it as their job.

That separation between scrutiny of legislation and scrutiny of accountability is a benefit of the Westminster system—I know that we cannot do that here. It is about getting it into members' minds that they have two separate functions. When we scrutinise legislation, we know that, from a Government perspective, the legislation must get through, and it is the members' job to vote it through. However, when it comes to the scrutiny of bodies and ministers, members need to act differently, so it is important for them to have two committee functions and roles in their heads.

The Convener: I remind people—very early in this committee meeting—that I am conscious of the time.

To address the point that you have raised, Willie, about the separation between legislative scrutiny and inquiry scrutiny in other Parliaments, do you think that it would be possible for the same members to sit with two different hats on in two different committees? A committee could sit as a legislative committee, where there would be one view, but, separately and distinctly, it could sit as an inquiry committee. It could be the same people, in the same room and in the same slot, but a different role could be identified for the two meetings. Might that aid what you have talked about in relation to leaving hat, rosette and club at the door?

Willie Rennie: I have never thought of that suggestion, but it is quite a good one. It could be exactly the same people, because you want to include in the questioning and scrutiny of the legislation not just the knowledge that has been gleaned through the pre-legislative scrutiny, but the knowledge from your other inquiries. You could have exactly the same membership but call it something different on the particular day that you are scrutinising legislation. I think that that suggestion could work, so I am sympathetic to it.

My only other point is that I am interested in the non-Government majority, which I think would force Opposition members to behave differently on a committee. We would know that how we voted would affect the outcome of the vote; we would not

sit in isolation knowing that our voting a certain way would have no effect on the outcome. With a non-Government majority, the balance of responsibility shifts.

When it comes to legislation, if the Government is unhappy with something that has come forward, it can always clear things up at stage 3 in the chamber. A non-Government majority could force greater collaboration between Opposition and Government. For instance, since the Greens have left government, the Parliament has changed—ministers are much more engaging, and you can see them working the chamber and the tea rooms now. Not having that majority forces ministers to look outwards; it might be the same for committees.

Ross Greer: I want to address Willie's last point, that a Government without a majority is forced to look outward in Parliament—not that I am complaining, as I think that it is good for the Government to work with other parties in Parliament. However, my experience, from when our party was in government, is that, although the Government's stable majority gave it less incentive to look around Parliament for broader support, it gave it more time to engage with people outside Parliament. With less time spent on winning votes in Parliament, more could be spent engaging with other key stakeholders in society. Although Parliament has an absolutely critical role, it is not the only stakeholder for Government. That is a bit of a counter-argument.

On committee size, I agree with Willie on the issue of proportionality. I do not want to predict the next election result, but polling shows that there will be six parties in Parliament in the next session, none of which would have fewer than 10 MSPs. To refer to Karen Adam's point, there is a challenge in setting up a committee system of smaller committees while maintaining a degree of proportionality. The further we diverged from the result of the election, the more uncomfortable I would get. Because of their size, committees will never perfectly mirror election results, but we would lose democratic legitimacy if we tried to engineer something that moved even further away from them.

We need to balance the two things. In purely practical terms, there is a clear argument not only for smaller committees but for more of them. If we are going to have smaller committees, we should have a few more of them. Justice is the one area where that has happened repeatedly—in the past, we have needed multiple committees to cover justice. We have had the Justice 1 Committee and the Justice 2 Committee and, in the current session, we have distinguished between criminal and civil justice, which is probably a more useful distinction. There is definitely a lot more to do.

We have diverged quite far from the question that you asked, Rona.

09:30

Rona Mackay: I ask members to be as brief as possible, as we have loads to get through.

Ross Greer: Very briefly, on defining committee roles, I think that we could do a lot more at the start of the session, both in how we define the committee roles and in the new member induction.

In its recent review of the Scottish Fiscal Commission, the Organisation for Economic Co-operation and Development clearly recommended more training for all members of Parliament on issues of financial scrutiny. We have certainly been aware of that issue in the Finance and Public Administration Committee. Members on other committees realise that the financial issues around most of what we deal with in Parliament are difficult, but they think, "It's fine—don't worry; there will be a financial memorandum, and the finance committee will deal that." We want every committee to be a finance committee.

Rona Mackay: That is a good point. Thank you.

Karen Adam: On the point about induction and training, and the experience that members can bring to committees, I think that there is a part for political parties to play prior to members being elected and coming to the Scottish Parliament. That education should begin at the vetting stage and continue when candidates are in place. The understanding of how our democratic institution works is beneficial to all of society anyway, but it is important that people have that basic knowledge in the first place, before they get to Parliament.

Induction, training and on-going professional development are very helpful. Often, we look at a bill for a good few weeks and then we step in to do a bit of post-legislative scrutiny, so the hat that we wear changes, and we have to shift focus. On-going skills development is helpful for everybody on committees.

Emotional intelligence is also important, as is knowing how to recognise the effectiveness of respectful scrutiny—that is how we get the best from the witnesses. A rounded approach to training and induction, both pre-election and on-going when members are here, is important to ensure that we have the most effective committees.

Rhoda Grant: I will not repeat what others have said, but I will just say this. When they come to Parliament, every MSP needs, as part of their training, to get an overview, which has to include the role of the committees. Within committees, there has been some really successful training—for example, committees have worked together to

learn questioning techniques. That could be done at the start of the session, with deeper dives into subject areas in which members will be involved but of which they might have only a passing knowledge. This is the only role in the world in which continuing professional development does not seem to count, but I suppose that every day is a school day for us.

Ash Regan: There is certainly a place for setting out to new members, when they come in, what function and remit a committee has in Parliament, just to ensure that everyone is clear about what they are here to do.

It is a while—about nine years ago now—since I first arrived, but I, too, remember the training on questioning that we got in 2016, which I thought was useful. I think that that was when the Parliament first started to do an induction programme. I believe that it might have been updated since then, for 2021, but I do not know how successful that was.

With regard to CPD, there may be an opportunity for that. When members first come in, it may be worth while refreshing certain skills. It appears to me that some members did not get the memo on that questioning training, which was about being succinct and getting to the point, whereas—as we all know—a lot of waffling goes on.

Rona Mackay: Great—those answers have touched on a lot of areas for further questions.

I had further questions, but, in the interests of time, I will not ask them. Instead, I will pose a challenge—and it will be a challenge, because I want a one-word answer to my last question, please. Should more committee time be built into the weekly calendar?

Douglas Ross: Yes.

Willie Rennie: Yes.

Ross Greer: Yes.

Karen Adam: Yes.

Rhoda Grant: Yes.

Ash Regan: No—I think that we can get more capacity by making committees smaller.

The Convener: Excellent. Thank you.

I will ask some very closed questions—that shows my questioning training. I will look at the role of conveners. There is an exciting question coming, which will be the third one, but the first one is this: how do your parties choose your convener nominations?

Ash, I come to you first, because, in a sense, you are in a unique position, so you have the opportunity to say how parties should choose their

conveners, and then I will come to the other members.

Ash Regan: I am not sure that I am going to be good at answering that question, because my experience of that is based on what I saw in the SNP. Parties should choose someone who they think is going to be effective and independently minded and who will do a good job. I am not sure that that is always the case.

The Convener: Okay. Rhoda, how are conveners chosen in Scottish Labour?

Rhoda Grant: By the business manager in conjunction with the leader.

The Convener: Okay. Karen?

Karen Adam: There are on-going discussions with the leadership of the party on who would be most effective. There is on-going scrutiny of all the members within our group and party and of what is happening at the time as well.

I have never been in the position of making those decisions and I can only surmise what is going through people's minds when they are making them. However, I think that it is important that there are a variety of views and that a variety of people make those decisions as well, so it is not just one person who is deciding.

The Convener: Okay. Ross?

Ross Greer: We would try to match up the individual in our group who we think best suits that portfolio with the convener role, but the reality is that, for the smaller parties, the single most important factor is timetabling workload capacity. For example, when we were in government, there were seven Greens, but two were in government, so only five of us could sit on committees. Of the committees that were allocated to us, five sat on a Tuesday, so we all had to be on a committee on a Tuesday. If anybody was ever unavailable, the substitute had to miss their own committee meeting to attend, for example, a stage 2 meeting, which you really cannot miss.

In this parliamentary session, we were allocated the Local Government, Housing and Planning Committee to convene. The single most important factor in deciding on our convener was the timetable of when all the committees met and who was actually available to convene the local government committee at that time.

It is not just the committees—other responsibilities also fall disproportionately on smaller parties. I am not complaining, but, for example, in each session, the four largest parliamentary parties have to nominate members to sit on the British-Irish Parliamentary Assembly, the parliamentary pensions board—whose title I have just got wrong—and a range of other bodies

that are not parliamentary committees, but that parliamentarians have to sit on. That is fine if you are choosing from 20, 30, 40 or 50 people, but we have to choose from seven people. At one point in the previous session, six of us were—between us—sitting on 13 committees and, I think, nine other bodies.

The Convener: So, in essence, the architecture is defining who can sit on a committee for your party rather than—

Ross Greer: Yes, our options are extremely limited. It is often not really a choice.

Willie Rennie: We do not have a committee convener. We decided not to sit on as many committees. We took a different approach from the Greens and decided to focus on areas that we regard as a priority. That means that we are missing out on certain opportunities.

We have got a deputy convener, who happened to be a member of that committee. However, that is probably not as much of a priority as choosing the convener.

Douglas Ross: I will come to the question about how we choose conveners, but, first, I will answer another question that you have not asked, which is about the role of the parties in deciding which committees to ask for. That is important and, as the party leader after 2021, I spent quite a lot of time on that.

Through the d'Hondt system, we were going to get the convenership of four committees, but you submit a pecking order. The number 1 committee that I asked for was education—I have now gone full circle and convene that committee myself. I asked for that committee because I felt that education was going to be the big topic of this parliamentary session and I did not think that it had had enough scrutiny up to that point. There are discussions not just about who will be a convener, but about which committees each respective party would like to get.

I also took the decision that no new MSPs, who had been elected for the first time, would take on the role of committee convener at the start of the parliamentary session. I felt that it would be unfair for a new MSP to have that additional burden while they were learning the ropes.

I tried to match up people who had a particular interest with the relevant committee. For example, someone who had previous experience as a shadow cabinet secretary in net zero went into the Net Zero, Energy and Transport Committee. We spent quite a bit of time on that. It did not always work out, because some people whom I asked to be a convener declined because they did not feel that it was the right role for them. Four years on, they probably regret that. It was a decision solely

for the leader and the chief whip, and it was about trying to match the right people to the right jobs. It is important that we get the right people in those roles.

The Convener: It is nice to lift the lid on the dark actions that happen behind the scenes. That will bring me to another issue, but, before I get to that, I will ask something else.

This committee inquiry does not look specifically at the distribution of committees and the choice that happens right at the start, but that is an interesting aspect. You mentioned education, Douglas. Willie, what is the most important committee from the Scottish Liberal Democrat point of view?

Willie Rennie: You will have seen that we are on the Rural Affairs and Islands Committee and the Education, Children and Young People Committee, and Jamie Greene is on the Public Audit Committee, but that is all that we have.

The Convener: Which do you think is the most important committee?

Willie Rennie: I think that the education committee is, because I am on it.

The Convener: That is a good answer. How about you, Ross?

Ross Greer: Having been on the education committee for nine years now, I agree. I think that my party's position would be, as you would expect, that the Net Zero, Energy and Transport Committee is the most important for us.

The Convener: Thank you. How about you, Karen?

Karen Adam: It is really hard to prioritise things that are all a priority. That is why the committees are set up. However, I would say that the Equalities, Human Rights and Civil Justice Committee is an exceptionally important committee, because its remit overarches and goes through each of those priorities. At the equalities committee, we have seen things on our desk that could sit with the education committee, the Health, Social Care and Sport Committee or the Criminal Justice Committee. Our work—particularly our scrutiny of human rights budgeting—overarches everything. When we really look at how that budgeting works, and people with lived experience come into the committee and give evidence on what it looks like for them, it is exceptionally powerful. It reaches through every part of their lives.

The Convener: In essence, your committee's value is in the fact that what comes before it covers a whole load of priorities, including subjects that other committees deal with. The overarching part gives it its importance.

Karen Adam: The rurality aspect has been a particular focus of our committee's scrutiny over the past four years, including how that impedes a person's access to any type of public service and their human rights. Although people might think that the subjects that the Equalities, Human Rights and Civil Justice Committee and the Rural Affairs and Islands Committee look at are very different, our remit overarches rurality as well.

The Convener: Rhoda, what is the most important committee for Scottish Labour?

Rhoda Grant: Somewhere between health and economy is the most important for us.

While we are talking about committees and how they are run, I note that the Public Audit Committee never has a majority of Government members on it, which is really important. It is one of the real scrutiny committees at which everyone must leave their political affiliation at the door, because we have to ensure that the Government is properly scrutinised. To an extent, it might appear to be a dull backroom committee—perhaps I am speaking for myself when I say that; I do not want to get into trouble—but it is important that it stays totally independent. For Scottish Labour, though, the Health, Social Care and Sport Committee and the Economy and Fair Work Committee are the two most important ones.

Ash Regan: I agree with what Rhoda said about the Public Audit Committee. It is a key committee. Obviously, all the committees are important, but the big ones are generally considered to be the Finance and Public Administration Committee, the Health, Social Care and Sport Committee, the Education, Children and Young People Committee and the Criminal Justice Committee. I would say that there is perhaps a role for a post-legislative committee. If one were set up, it would probably be seen as one of the most important ones.

The Convener: That is good.

I want to go back to the topic of this particular set of questions, which is conveners and whether there would be any advantage in electing them. Very foolishly, I now seem to have two parts to my closed question, but I would like some closed answers to it.

The first part is simple: would a convener have additional value if they were elected by the chamber? I am not talking about altering how parties choose their conveners or the discussions that Douglas Ross referred to with regard to parties choosing committees; it would be about the mechanics of conveners being elected by the chamber rather than how they are chosen at the moment—I will just put the lid back down on the dark parts of that. Would such an approach give conveners enhanced value or enhanced power,

and—this is now a three-part question—would it assist with the cohesion in a committee if its members and the convener knew that they were there because of an election that was open to the chamber, if I can use the word “chamber” for the moment?

Does anyone want to kick off with that instead of our constantly going along the line in the same direction? I see that everyone has put their heads down—this is like primary school.

09:45

Douglas Ross: I did not want to kick off, because we would still be going in the same direction, but I will.

You asked three questions, convener, and to them I say no, no and no. Let me expand slightly. We have made it clear that we could support the election of conveners only if a fundamental change were made to remove the Government's in-built majority in the make-up of committees and their membership. We do not think that you could bring in elected conveners by themselves—that would have to happen in tandem with further changes. The reason—

The Convener: But in relation to having been elected, would that give—

Douglas Ross: That is the point I am coming on to. First, as Ross Greer has suggested, no one is predicting the next election, but Parliament could end up having a number of smaller parties. Therefore, if we introduced elected conveners, the Parliament could be electing from a choice of one, because some conveners will be from smaller parties that might have only one member on a committee.

The reason why I can confidently say no, no and no to your three questions is because I had some fears about joining a committee that I had no experience of as the convener. I had never done much on education in my time; when I was previously in the Scottish Parliament, I was on the Justice Committee. I felt that I was coming in as a former party leader who did not know any of the other members.

However, although we have had quite strong and robust differences on the committee, I do not feel that, just because I was not elected in a vote in the chamber, my authority as convener in working with committee members has been diminished in any way. The committee members accept that, for the education committee and three other committees, the convener will be a Conservative member, and they will work with the convener to do their job. They are less interested in the convener if they are able to do what they want to and ask the questions that they want to. I

do not think that having a vote in the chamber on a convener would change how any of our committee members work, either on their own or combined as a committee.

Rhoda Grant: I do not entirely agree—I think that there is value in having elected conveners. It gives the committee ownership of that person; they become a committee person, rather than a party person.

I understand what Douglas Ross is saying about the chance of there being only one possible convener, but, once it is realised which party will have the convenership, it is open for people to put themselves forward. I know that it is a difficult situation, especially for someone who was a party leader and who formerly chose the conveners, but everyone would know which parties had convenerships, and it would be open for people from that party to put themselves up. If they had an interest, they would go for it. Obviously, the party leadership would encourage their favoured people, but elections would also offer a role for people who are not that favoured in the party-political system—who might be, say, slightly more independent and questioning of Government.

It would also be right to remove cabinet secretaries and ministers from taking part in the ballot, given that the role of a committee convener is to scrutinise them. That would give more fairness across the Parliament.

I think that such an approach could work. I do not think that it would be without its teething problems while people got used to the new way of working, and it could take a couple of attempts for people to realise how it really worked and how it empowered back benchers. However, I think that it really could empower them and make committees more independent.

Karen Adam: Conveners are already elected—they are elected to this place by a fair, democratic process. I do not think that the election of a convener would change the effectiveness of that position or that person at all. In fact, it might cause more party politics to come into play.

It is a reasonable discussion and a good debate to have, though. I think—

The Convener: I am sorry, Karen, but can you just clarify something? Do you mean that they are elected, because they are MSPs who have come into the Parliament or because they are technically elected by the committee? Are you talking about their route into this Parliament?

Karen Adam: Yes, I mean that they were originally elected to this Parliament in a fair and democratic election. MSPs have already been elected on the premise that they will play various roles here. An individual MSP being seen for their

qualities by those within their group who know them the best is, I think, the most effective way of making that decision.

The Convener: Does that sit comfortably with the fact that we also elect a Presiding Officer and Deputy Presiding Officers?

Karen Adam: When you come into Parliament as a new MSP, you are presented with emails from people asking to be elected as DPO, and you have to undertake scrutiny of those individuals to know and understand them a bit better, which will, in turn, inform your decision as to whom to vote for. That gives a bit of an insight as to why it might be best for those who know the individuals better to make that decision.

Ross Greer: Scottish Greens certainly support elected conveners. The single biggest potential danger with it is that we could end up in a scenario—whether it be the reality or even just the perception—in which a majority Government was choosing who scrutinised it. I think that we can mitigate that by doing what Rhoda Grant has proposed, which is to allow only back benchers to vote and not allow anybody who is a minister at the point of convenership elections to do so. That would be a good middle ground.

We certainly disagree with the Conservatives' proposal, which—as we understand it—is to take the ministers out of the d'Hondt allocation when deciding overall committee composition. I come back to my previous point about moving too far away from the election result and the democratic mandate that we have. However, removing ministers from the ballot for electing committee conveners would mitigate that. As for the point that, in the next session, Parliament would in some cases—in a number of cases, I would imagine—be potentially choosing from a field of one, I think that that would be no worse than the current situation, and it would certainly not take us backwards.

What we could have, at least for some committees, is a situation in which candidates had to lay out in advance how they would run the committee. When I think back to my experience in 2016, I would say that that would be helpful. At the start of the current session, there was only one candidate for Presiding Officer; in 2016, there were multiple candidates, and those candidates did the rounds of members, laying out to all of us what they would change about the operation of the Parliament. I thought that that was a really beneficial debate for us to have right at the start of the session. Committees are a microcosm of that, and we could have exactly the same debate about a lot of the issues that we are talking about this morning, such as how a convener would run the committee and whether they would have, say,

questions from SPICe—to go back to a bugbear of ours.

There would be an advantage to such an approach. It might not result in every committee having an open contest with multiple candidates and different platforms for how they would run the committee, but if even some committees did that, it would still be an improvement on the current situation. That is no criticism of the individuals who are conveners in this session, but there is no opportunity, in advance of members being appointed as conveners, for other members to say to them, "How would you run the committee if you were chosen?"

The Convener: So, members would get an insight into not just why an individual was interested in that committee, but also—you have described this eloquently—the process and the approach, and the empathy, that they would bring as convener. In that way, members would understand, even before the committee started, the sort of committee that it would be, and you think that that would be to the benefit of both the chamber and the wider audience.

Ross Greer: Absolutely, and that was the experience that we had in 2016. It was about the Parliament as a whole, with multiple candidates laying out what they would do—for example, extending First Minister's question time. FMQs used to be half an hour; it is now 45 minutes, because that was part of the platform that Ken Macintosh pitched to members.

The more I think about what Rhoda Grant has proposed, the more I think that it would be important for ministers to be taken out of that ballot. It would ensure that we did not have a situation in which Governments were choosing those who led the scrutiny—if it were a majority Government, of course.

Ash Regan: To go back to your initial question, convener, I would say the complete opposite to Douglas Ross: yes, yes and yes.

I have a different view on this now. I completely understand why the Government and party leaders want to control who leads the committees that they are entitled to run. However, if we look at it from a strength-of-scrutiny perspective, we might perhaps do things differently.

Whether or not we agree, it can be argued that there is a perception out there that party appointees are overseeing scrutiny. We just did a quick calculation; it looks like, in this session, around 75 per cent of the legislation going to committees is Government legislation. The Parliament, I believe, needs to think carefully about the balance between the executive and the legislature. I would argue that we have not got that

balance right; indeed, I gave a couple of examples of that earlier.

The Convener: Do you think that the vehicle of an election potentially allows individuals, as Ross Greer has indicated, to say how the committee is going to be run, both to allow themselves to take off the rosette and to set themselves the standards against which they would be tested if they were elected as convener?

Ash Regan: I do. I cannot speak for everyone, but, having observed political parties—and not just the two that I have been on—I think that, instead of having a member put into the chair by their party, having them put there by the Parliament would add a layer of strength, because they would feel that they were doing the job for the Parliament rather than for their party.

The Convener: Would you go as far as to say that it would add not just strength but legitimacy?

Ash Regan: I think that it would add legitimacy, yes. It is not that conveners are not legitimate. It goes back to Karen Adam's point: we are all elected, and we are following a system that is proportional. I think that everybody understands that. However, from what I have seen during this session, I would argue that the balance of scrutiny is off. As a Parliament, we need to think about how we do better on that. We could use a secret ballot, and there have been some good suggestions about excluding certain people from voting. Some parties favour loyalty over competence. That is not true in all cases, but I have observed that myself, and we perhaps need to think about that as a Parliament.

The Convener: Willie, you have three seconds. *[Laughter.]*

Willie Rennie: I would favour the suggestion. The first benefit would be freedom—that is, having a bit more freedom from the whip. The second would be stability. I think that someone who was appointed or elected as a convener would be there for the five years, and that kind of stability should be a benefit. A third benefit would be the provision of a separate career path for politicians. Instead of their always aspiring to be a spokesperson or a minister, they would see a convener as a credible career path to pursue. Again, that would mean being slightly freer from the whip.

It would also build in a bit more bipartisanship and collaboration. Members would have to seek the support of other parties, so having elected conveners would bridge the divide a little bit and give a bit of comfort to both sides that the convener would do a fair and reasonable job.

There would be downsides, of course, and Douglas Ross has highlighted some of them. Overall, though, I agree with Ross Greer that,

even if only half or three quarters of the committees ended up having a contest, that would be better than what we have now, for all the reasons that I have set out.

Annie Wells (Glasgow) (Con): Morning, guys—thanks very much for coming in.

We have touched on the issue of induction and training quite a bit this morning. The first time that that was done was in 2016, when we became MSPs, and I found it really helpful at the time. What knowledge do people who come into the role of committee member need to fulfil that role? Should it be the party or the Parliament that advises the member on what they are expected to do in that role?

Rhoda Grant: Parties have a role, but it is really important that the Parliament does that, because it is a parliamentary role and people should be supported in it. The induction training should probably have two parts. Training should take place across the board: on the mechanisms and how the Parliament and committees work, and on the expectations on members.

There should also be an induction into the committee's subject area. Members may have an interest in it, which is why they are on that committee, but there are ways of approaching that, which I think we have all experienced. A member can go on to a committee and, for the first few weeks and months, feel that everyone is speaking a different language. They could feel all at sea, because so much knowledge of the subject area has been built up in the committee. It is important for a member to get an induction into the subject area so that they can begin to understand the structures, what the committee is scrutinising and what knowledge they need in order to hold people to account properly. There is also joint training, with people trained to work together, question together and the like.

Ross Greer: On the question whether that should be for the parties or for the Parliament, I think the answer is that it should be for both. There are competing priorities in committees. Our party priorities or ideological priorities are entirely legitimate. As Karen Adam said, we have all been elected here, and we all have a democratic mandate to pursue a particular agenda. However, that is quite different from the more practical training that Parliament can support.

It was beneficial to get that induction in 2016. Part of it was about the legislative process, although there were other things that probably should have come in first. As I said earlier, there is very little legislation right at the start of a session of Parliament, so we have more time to train members on the bill process. Training in post-legislative scrutiny should probably come first,

because we have time to do that at the start of a session. If a committee was having to deal with emergency legislation or whatever, those members could also get priority legislation training.

10:00

Some core elements are missing at the moment. I mentioned the Fiscal Commission review, which recommended that all MSPs get training in Scottish public finance, which is important. I also spoke to Revenue Scotland last week, which would certainly be keen for all members to know what it does. The folk who get elected here generally have some level of awareness of and interest in how the Scottish public sphere works, so there will be some public bodies that everybody is familiar with. I would be surprised if anybody got elected to the Parliament and did not know what the Scottish Qualifications Authority was, for example. Similarly, most people will probably have heard of the Scottish Environment Protection Agency. However, a number of the people who are elected to the Parliament are probably not familiar with Revenue Scotland, because it is one of those background bodies yet is at the core of how everything in the Scottish public sphere works, because of its role in finance in particular. There may be a need to do a bit of mapping there.

I say that with a caveat, as I think that it was the Scottish Information Commissioner who said that, every time he looks, he finds another public body that he did not realise existed. It is therefore not quite as simple as saying, "Here is the list of every public body in Scotland," because it seems that we keep finding new ones.

The SPCB-appointed bodies are really important. Ash Regan mentioned that. An inquiry by the Finance and Public Administration Committee led to the stand-alone committee that is working on that issue at the moment.

What we found from that inquiry was quite clear: there is, and has been, a lack of understanding across Parliament in relation to the bodies that we are directly responsible for. I do not mean bodies whose operations we are responsible for scrutinising but which are still accountable to ministers—or to local government, for example, and therefore accountable to other elected representatives. A number of bodies are appointed by and accountable to the Parliament, but they come under very little scrutiny—indeed, they come under less scrutiny than they would want. The evidence that we got from them is that they want to be brought in and grilled far more often. However, members were sometimes either not aware that they existed or were not quite clear that not only were they Parliament's responsibility, but that the committees had clear portfolio

responsibility for and a relationship with particular bodies.

Annie Wells: Does anyone else want to come in? I do not want to ask everyone the question if we do not need to.

Douglas Ross: If I do not mention this, Finlay Carson will not forgive me. He has been very clear that the change that we experienced in 2016 in relation to training was really good in getting things up and running. In 2021, because we were the Covid Parliament, there was less ability to do that face-to-face training and to have that important interaction between the new members and the committee. He certainly felt that it took committees longer to get up and running. We would stress that that face-to-face training—almost team bonding—is important for committees to get off on the right foot.

Annie Wells: I have another two quick questions. Most people present are spokespersons as well as committee members. How do the parties explain the difference, or balance, between being a spokesperson and being a committee member? Should one role be left at the door when you walk into the committee room? I think that that is a difficult one to balance. Should the party be guiding its members as to how much importance—that is probably not the right word to use—is attached to their party role versus their committee role?

Karen Adam: We are encouraged to ensure that, when we are scrutinising at committee, we are doing so objectively. However, the point is that we are here and that we align with our party political values. There are many times when we will agree with what is being said by those who are in the same political party as us. However, it is important to impress upon members that important scrutiny is undermined when there is opposition for opposition's sake; that is the flipside to having agreeableness for agreeableness's sake.

We are encouraged to go in there as members and cast a critical eye, because robust scrutiny is important to making the best law possible for the people of Scotland. As I said at the beginning, robust scrutiny means that we have a robust Government, so it is encouraged.

Willie Rennie: When I am in committee, I ask questions that I might not agree with. We have been working on the Tertiary Education and Training (Funding and Governance) (Scotland) Bill, and I have been asking tough questions on both sides because I think that it is important to uncover the facts. I will come to a different conclusion at the end—I will not be a Liberal and pick both options; I will pick one side. However, it is important that, when we are going through the initial phase, we interrogate robustly.

Of course, from time to time, everybody plays the political role more than the scrutiny role—that happens with all parties, not just Opposition parties. However, I hope that other members of the committee see the benefit of members who are prepared to get to the facts rather than just take a party position.

Rhoda Grant: Everything that was said before about committees following the evidence is right. The other thing that spokespeople get from being on a committee is access to knowledge, which helps to formulate policy. Sometimes, the work of the committee guides that policy because it gives an insight into the policy area that a spokesperson might not otherwise have if they were not on that committee. It is important that committee members have that knowledge and experience. Our job is to scrutinise, and that insight is more impactful on the Government members of the committee.

It also gives committee members something to give back to the Government. I am sure that conversations go on behind the scenes all the time because the committee has discovered something and its members are going back to the Government to say, “Hang on a minute—this is what we have discovered.” It works both ways: the knowledge and experience are really helpful not only in holding the Government to account but in formulating policy.

Ross Greer: I agree with Rhoda’s point that, out of everybody in the Parliament, we most want party spokespeople to be subject specialists, and being on the subject committees has clear advantages for them.

Willie laid out why leaving party hats or affiliations at the door is important for scrutiny in order to challenge all sides of an argument. When it comes to the point at which members have to vote in committee, such as at stage 2 of bills or on Scottish statutory instruments, there is a balance to be struck. We were all elected on particular platforms and we have a mandate based on our manifestos. It is legitimate to say that, on the basis of evidence that is collected, we might come to a different conclusion from what is in our manifestos. For example, our manifesto at the last election said that we would support legislation to improve disabled young people’s transitions into adulthood. We ended up voting against a bill on that topic because we did not believe, on the basis of the evidence, that that particular bill would achieve that outcome.

We need to make sure that there is a balance, because, ultimately, we are all here because people voted for us to be here, and they did so because they thought that we would pursue particular policy agendas. Those agendas are all legitimate, and we have that legitimacy because people voted for us. It is not as simple as saying

that, in all circumstances in committee, we leave our party rosettes at the door. For scrutiny, absolutely—99 times out of 100, that should be the case. However, we legislate in committee just as much as we do in the chamber—actually, there are more votes in committee than in the chamber—and our default starting point for that should be our democratic mandate to be here. If we varied from that on the basis of the evidence, the public would understand why, but if we were to start going into committee and constantly voting against the promises that we made to get here, there is a wider point about democratic legitimacy that I would be worried about.

Annie Wells: I am content with that, convener—time is marching on and my questions have been covered.

Emma Roddick (Highlands and Islands) (SNP): A few of you have already mentioned the benefits of having smaller committees. Does anybody have any comments on their potential limitations?

Karen Adam: There would be limitations with smaller committees. There may be a smaller pool of diverse voices to hear from. An inquiry that was done at Westminster found that the most effective committees had between six and 12 members, because that gives the best diversity of views. The gender-sensitive audit that the Scottish Parliament did showed that it is equally important to take into consideration the need to have a broad range of views from women’s perspectives as well.

My concern would be that, with a smaller committee, we might be cancelling out voices that could have an input that would improve not only scrutiny overall but the outcomes for people. We need that proportional representation as much as possible, in every possible respect. I know that, in reality, that can be hard to achieve, but we should be reaching for that.

Ross Greer: There is potentially a danger. As much as I favour having smaller committees as a default position, there is the proportionality issue that we talked about earlier, especially if we look ahead to what the composition of Parliament in the next session might be. If we have six parties but a number of five-member committees, we are, by default, going to have at least one party not represented on each committee. It is never going to be perfect. Across the whole Parliament and across all the committees, we need to ensure that there is that balance.

However, if each party regularly has only one or, at best, two slots per committee, the other potential danger relates to who the party puts forward to be on the committee. The dissenting voices or those who are more independently minded might find that their opportunities either to

sit on a committee at all or to sit on the committee that they would add the greatest value to are reduced as a result of party management decisions, and the Parliament misses out as a result of those people being kept off a committee. With larger committees, by necessity, parties need to fill those slots so it is harder to keep people off a committee, even if party whips might think that that would be beneficial for the sake of internal harmony.

Rhoda Grant: I do not think that there are huge disadvantages. On gender representation, I think that that should be addressed a lot earlier. Parties need to make sure that their elected members are representative of the Scottish people in the first place. If that were to happen, there would not be the same issues about gender representation.

Even if committees were able to co-opt people, I think that it would be better if there was much more flexibility around the committee system, with smaller, more fleet-of-foot committees that could be more flexible. Setting up sub-committees of maybe two or three committees, with rapporteurs to look at things, would also work well.

Emma Roddick: Before others come in on that, can you expand on co-option and how that would work?

Rhoda Grant: It almost happens by accident at the moment. Members who are interested in a piece of legislation tend to go along and sit in on a committee meeting, as all members can, and suddenly their line of questioning and their input make a difference. That could be done on a more formal basis, as I think has happened in the past. When one committee knows that another committee may have an interest in something in particular, it can invite someone on as a rapporteur, which gives them more insight into the committee papers and a more formal role on that committee.

There are ways around this; sometimes we are just a wee bit set in our ways—this is the committee and this is the way things should stay for ever. Maybe we need to devise the system to fit the purpose.

Douglas Ross: I would look at the limitations of not changing. Again, I speak as someone who convenes a committee of 10. Our committee is very good. Everyone wants to ask a question, but either you allow everyone to ask a question—in which case, there is less opportunity for supplementary questions and the committee cannot go into things in as much depth as we have done today—or you do not.

If we have smaller committees, there is a greater opportunity to have additional committees. Again, in our submission, we say that we should go back to having a stand-alone post-legislative

scrutiny committee, which I think is something that we have largely agreed on today. You can have additional committees more freely if you have more members available, because there are fewer members on each committee.

This is not quite the same as what Rhoda Grant was saying about rapporteurs or co-options but I go back to the University of Dundee example. Four additional members came along to that meeting because it was a big issue in the north-east. If everyone had turned up that day, there would have been 14 MSPs seeking to ask questions and the meeting would have lasted for longer than the three hours that it went on for.

With a smaller committee, I think that there is more opportunity for people to come in with their personal interests and to be able to engage. At the end of 10 committee members asking questions, there is not much time for those with additional interests to come in.

10:15

Ash Regan: I agree with some of that. I just want to address the point about the smaller parties. It is a fair point, but if there is a party with five or six seats, that party does not have the capacity to sit on every committee anyway. There would be an understanding that the smaller parties would not be represented on every committee.

As I said, I am currently sitting on a committee of five, which is the first time that I have ever done that, and I am surprised at how effectively we work. In that instance, the only party that is not represented is the Lib Dems.

We have talked a bit about how party representation in the Parliament might be quite different after the next election. Does the Parliament need to reflect on what it will do with independents, or with somebody like me, whose party only manages to get one, two or three people elected? Those members would not be a political party for the intents and purposes of the Parliament—they would not be entitled to a place on a committee, just as I am not entitled to one. Expertise or capacity might not be brought into the committee system if we stick strictly to the proportionality basis. I think that smaller committees are more effective.

Willie Rennie: The only other additional potential downside relates to the headspace for members of a smaller committee, who might not be interested in every single issue, however important. With a bigger committee, it is more likely that two or three members will be really interested and will dive right in. Of course, every member of the committee will do their job, but you really want people there who are passionate about the subject. That is a potential downside.

I would still favour reducing the size of committees, because additional members can be brought in and we can get over the proportionality issues. That would mean that people such as yourself, Ms Roddick, would not have to sit on three committees, which I think would dominate a member's week. Keeping up with the agenda and the papers alone is almost impossible. A smaller committee would get more out of individual members.

Emma Roddick: It is interesting that the idea of having a dedicated committee for post-legislative scrutiny keeps coming up. Some of the witnesses in our committee effectiveness inquiry who may be more familiar with how Westminster works have mentioned bill committees and the advantages of keeping those workstreams separate. That arrangement would require us to have smaller committees.

Karen, I am interested in your perspective from the equalities committee. That committee was expected to have a very busy legislative programme, but that is not the case now. How has that allowed you to explore other methods of scrutiny and to bring in issues that were not going to get an airing if the committee had had to deal with bill after bill?

Karen Adam: I must say that there is always plenty of work. There is a long list of things that we would love to work on. Although we found ourselves with an open work programme, it was great to be able to have that discussion. We regularly have work programme discussions. Having been on other committees, I can say that we seem to do more of that on the equalities committee. Topical issues often come up, and it is important to have the space for that.

It has also given us the opportunity to add in more post-legislative scrutiny—for example, I am excited to see that we will be doing an inquiry on the British Sign Language (Scotland) Act 2015 in June—and the space to have broader discussions on things. We had stage 2 of the Regulation of Legal Services (Scotland) Bill, which involved—I think—600 amendments, and that took up quite a bit of time. So, we have found that timing and capacity can be equally challenging for a committee.

It has afforded us the ability to open up other streams of work.

The Convener: I want to bring us back to the fact that you are party representatives, not that what you are saying is not massively important.

Karen Adam: Yes, of course. I will take the party hat off.

The Convener: As always, there is an opportunity outside the formal inquiry to send us

information. I will gently drag us back to the world of party politics. Sorry, Emma.

Emma Roddick: That is okay.

I know that quite a few different committees are looking at bills that perhaps do not naturally sit within their remit, as a result of certain committees being overloaded legislatively. Do members have any comments on the idea of having bill committees?

Ross Greer: I am quite attracted to the prospect of bill committees, based not only on the Westminster experience but on the past experience of this Parliament when we took that approach. There is an advantage to it. However, it then becomes a question of how you manage committee membership and the role of individual members across a whole session of Parliament, because bill committees would be overwhelmingly needed in the second half of a session, when lots of legislation was coming through. Perhaps, in the first half of a parliamentary session, quite a lot of members would not be on a committee or would be on only one. I think that the idea of being on only one committee is attractive to us all—and I say that as somebody who has been on two committees for all the time that I have been here. However, we need to balance that across the whole five-year term—or four-year term, if it ever ends up going back to that.

Would we reduce the size of the standing committees for the period of setting up bill committees in the second half of a session of Parliament? We have occasionally done that in the past. In the previous session, some committees had 11 members, but the health committee started off at 11 and was reduced to nine, by agreement, halfway through the session. That was not to set up a bill committee but because the Government had so many ministers that the SNP did not have the back-bench spaces and asked whether one Opposition party would be happy to take a member off the health committee if it took a member off it, too. That was agreed. There is a question of how we balance that.

As we have seen, we could set up bill committees at the start of a term on the basis of what the Government has said that its legislative programme would be, but a lot of those bills might not come forward. Even if they did come forward, it would take a couple of years and we would have a bill committee with not a lot of work to do. The alternative is a very uneven distribution of members sitting on committees across the whole term of the Parliament. I am not totally sure how we would manage that—not that we cannot usefully occupy our time in plenty of other ways.

Emma Roddick: Is the concern that there would be too many bill committees? Would that be

circumvented by setting up bill committees only for particularly large bills or when we expect there to be hundreds of amendments?

Ross Greer: You could do that when you know that a bill will have 600 amendments to it lodged. The flipside of that is that it is probably an advantage to have the expertise of people who have sat on, for example, a committee dealing with civil law for a number of years before you get to the point where a bill is so contested that 600 amendments to it have been lodged.

To marry that up, you could have more than one post-legislative scrutiny committee—you could have post-legislative scrutiny committees by portfolio, with a general understanding that that is how they would operate in the first half of the session. Once you got to the point where lots of bills were coming through, you could phase out those committees and move towards a bill committee structure. In that way, the number of members required to sit on committees would be broadly even across the whole of a parliamentary session.

Willie Rennie: I quite like the convener's suggestion that the committee could adopt a different persona depending on its function, but there is not enough time in the week and there are not enough MSPs to have all of that.

As a side point, first, I think that there needs to be a bit of self-control from members on the number of bill amendments that are lodged—I am sure that I am as guilty as anybody else. The number of amendments to the Housing (Scotland) Bill is just extraordinary—your committee, Ms Roddick, is sitting for weeks in order to go through them all. We had a similar situation with the Education (Scotland) Bill, which went on for some time.

Secondly, members introduce their own members' bills, of which there are a lot. I do not want us to be in a position where we cannot allow members the freedom to do so, but the number of members' bills has crept up over the years and there are now more of them. There is almost a competition to lodge more amendments and introduce a members' bill, and it is almost impossible for the committees to give them due attention. Therefore, I think that members need to be encouraged to step back a bit. Of course, you should let them do the important stuff, but they also need to reflect on whether lodging this or that amendment is absolutely essential.

Douglas Ross: I have experienced both systems. We must be careful that we do not just say, "Westminster has elected conveners and they seem to have more authority down there," or, "Westminster has bill committees," and so on. It is

a very different situation. Westminster has far more members—650 compared to our 129.

There would be merit in dividing the two types of business but retaining the same expertise. One of the earlier questions—I do not know whether it was from Rona Mackay or the convener—was whether committees should meet more. Bar Ash Regan, I think that we all agreed that they should. Perhaps the subject committees would meet as normal and then, as legislation came along, they would meet separately. They would still meet and do their normal work on a Wednesday morning, but they would meet additionally that week in order to do bill consideration. When the bill was done, they could go back to meeting once a week. The benefit of that, and why the Westminster system is better, would be that committees could be far more agile and reflective of what was happening at the time.

Many times, the Education, Children and Young People Committee—other Conservative-convened committees have this issue, too—has wanted to get into topical issues, but, because we have bills to get through, there is simply no time for that. When the committees are addressing issues within a week or two of them becoming big issues, the public are interested in what we are doing. At the moment, there is very little interest in what the committees are doing, despite our very good work, because we tend to get bogged down with legislation and are not dealing with the topical issues of the day that are being discussed.

Rhoda Grant: We are keen on flexibility, so, if we need bill committees, we should have them.

The Rural Affairs and Islands Committee is looking at the Natural Environment (Scotland) Bill. Part of that bill's scrutiny sits with us, but a huge part of it sits with the Net Zero, Energy and Transport Committee. Early on, it was very obvious that we had an in-depth knowledge of the rural stuff and could immediately see the holes in the legislation, but we thought that the natural environment stuff was fine. I said, "Well, we may think it's fine because we don't have the knowledge for a deep dive." As we are taking evidence, we are now beginning to find the bill's pitfalls. It might have been much better if we had had a bill committee that was made up of members of both committees, which would have had that knowledge and experience. That might help particularly with cross-cutting bills that do not sit happily in one committee or another.

Flexibility is the name of the game, and we need a system that provides the required scrutiny.

Karen Adam: We already have the flexibility for committees to sit twice a week if they wish to. Previously, my committee has met in the evenings, and we have had away days and work

programme planning days. The committees framework already allows us the flexibility to do that; it is for the conveners and committee members to discuss whether they would like to do it. They can already decide to set aside specific weekdays on which to scrutinise bills.

Emma Roddick: Ash, it sounds as though your perspective on proportionality in committees has been influenced by the short-term committee that you are sitting on, which is not proportional and has more parties represented. Do you have any more to say on that? Do others feel that there is an advantage in ditching proportionality and focusing on breadth?

Ash Regan: I do not think that we would get anyone else at this table to agree to ditch proportionality, and we probably should not. I am not suggesting that we do so, but I feel strongly that committees need to be made smaller. We all agree that there is a capacity issue when it comes to legislation, scrutiny and holding the Government and public bodies to account, which we need to think about carefully.

We could perhaps have committees in different categories. The Lib Dems were probably invited to sit on the committee that I am currently on but perhaps did not have the capacity to do so. The committee has probably ended up as it has because the committee does not have legislation to vote on, so the larger parties were probably quite relaxed about it not having the same proportionality.

Perhaps that offers an opportunity. In committees that might work in a different way, you could relax proportionality; in others, such as education, justice and so on, the major parties will understandably want to be represented.

The Convener: In a sense, proportionality has been reached in your committee in that all but one of the parties' voices are around the table, but the proportionality that you need for the voting balance is not a problem for your committee. I am not inquiring as to your committee's internal workings, but has the fact that the issues will not come down to a vote assisted in the environment that the committee is working in?

10:30

Ash Regan: I think that it has, for that very reason. If the committee that I sit on was set up in the same way as others have been, the main parties would want proportionality. That is fine, but there may be other instances where that requirement could be relaxed. The committee has been set up for six months to conduct a focused inquiry. As Ross Greer noted, the finance committee suggested that the committee be set up to conduct a short-term inquiry with a focused

outcome. Perhaps much smaller committees are better at doing that, because they can work faster and are more agile, and because conveners do not have to ensure that 11 people have asked a question, which can get a bit much at times.

Emma Roddick: If no one else has comments on that, I will ask a final question about the structure that allows members to sit on multiple committees.

The potential for extra meetings or extra committees to be set up keeps coming up in our discussion. That becomes more difficult if a member's parliamentary week is already block booked with multiple committee meetings. What could be changed in the overall structure of how the Parliament sets up committees to allow that flexibility not just from a policy perspective but in respect of committee membership?

Rhoda Grant: I live some distance away from the Parliament. Although Covid was awful, it gave us the ability to work much more flexibly. I am not trying to take anything away from constituency time, because I think that that is really important for MSPs, but working flexibly allows committees to hold online meetings. To be honest, we should also be pushing committees to hold meetings outside the Parliament. During previous parliamentary sessions, pre-Covid, committees travelled a lot, which gave members an understanding of the issues in different parts of the world. It also brought the Parliament much closer to other parts of the world and allowed wider engagement, which was really good.

I think that we need to reflect on that. We have the ability to work remotely, so we could have completely remote committee meetings that were held on different days, in the evenings or at another time. That would mean that we would not be stuck having meetings in the mornings, as we are at the moment.

Ross Greer: There are wider challenges to having more time for committee meetings than simply how we structure parliamentary committees, as Willie Rennie has touched on. We need to have what would be a challenging conversation, for obvious reasons, about whether 129 members is still the right number for a Parliament that was set up that way in 1999 but now has far more responsibility than it did at that point.

There is a fundamental capacity issue. As much as I enjoy our constituency and casework, I think that we end up doing far more casework than parliamentarians in many other European countries, because local government in this country is so weak. If local government was stronger or if we had more local government representatives, far less individual casework would

come to members of the Parliament. Colleagues whom I have spoken to in Scandinavian countries, for example, find the amount of individual casework that we do extremely unusual. You could argue that that makes us better when we come to the Parliament, because we have an understanding of things on the ground, but there is still a massive capacity challenge.

In the building, there is also a tension around the amount of time that we spend in the chamber for debates, of which we could all question the public value. We often have debates that are a bit bland or of which the point is not particularly clear, and we know that that is the case because of political management—the Government not wanting to lose votes, or Opposition parties wanting to avoid difficult issues.

Perhaps we could reach a collective understanding that the chamber does not need to sit every afternoon during parliamentary sitting periods. We could agree that, once a fortnight or once a month, the chamber would not sit. If we knew that far enough in advance, committees could schedule extra meetings during that time, which would give us a bit more time for important committee work, and it might allow us to better balance the workload.

You could also make a counter-argument that we should be spending our time in the chamber more effectively.

The Convener: What is your party's view on our having a week during which we would have only committee meetings and no chamber sittings? That is what happens in a number of other legislatures. Having said that, I am unable to point to any evidence, but there are a number of examples of legislatures in which the chamber sits one week and the week either side is given over to committees. That would mean that you would not have the challenge that you have set out, and it would also address the fact that members sit on more than one committee.

Ross Greer: We would err on the side of preferring a bit less chamber time and a bit more committee time. That could easily tip too far—if we ended up spending twice as much time in committees as we currently do and far less time in the chamber, there would come a point at which that would be impractical. For example, we are now at a point in the parliamentary session when we are considering a lot of bills at stage 2; we will quickly get to the point where there are a lot of stage 3 proceedings, for which there will be a necessity for more chamber time.

We could probably all acknowledge—certainly in private—that, at present, the topics for debate in a lot of our chamber time are not born out of necessity. We would skew towards having a bit

more time allocated to committees and a bit less chamber time than is currently the case.

Equally, one could argue that there are simply more effective ways to use the chamber time. There is no shortage of topics that deserve chamber time but that are not currently getting it.

The Convener: I am very conscious of the time, and we have drifted on to other topics. Sue Webber will ask about the culture element.

Sue Webber (Lothian) (Con): Yes, I want to ask about culture. A lot of stuff has been covered, so I will not dwell on those aspects.

I want to unearth what members think some options might be for strengthening committees and for promoting a greater cross-party culture as a way of improving effectiveness.

We have heard already about all sorts of things, including elected conveners, better use of visits and engagements, and agreeing on a committee's scrutiny priorities. Ms Adam spoke about having a lot of time for work programme discussions, which is something that, as a previous convener of the Education, Children and Young People Committee, I do not recognise. When you have legislation thrown at you from every angle, you do not have the opportunity to have a work programme discussion.

How do we create a real culture of working together within the confines that we have, and what might we be able to do? I ask Douglas Ross to respond first.

Douglas Ross: It goes back to what I said to Annie Wells—those early days are important for building up the relationships. When I joined the Justice Committee, there were members I did not know, but, after a year of being on the committee, I got on better with the members both within and outwith the committee.

Rhoda Grant made a point that I had thought about at the start of the session. It might be just my observation, but Parliament's committees do not sit outwith the building very much. Committees could do more outreach work and more visits. If, say, the Education, Children and Young People Committee went up to visit Aberdeen and held a session there, that would not only bring Parliament closer to the people who elect us; it would mean that we were out of the building and away from emails and the chamber. It would also mean that the committee members, outwith the time of the visit and the committee session itself, would be doing things together on a more personal basis. It would be less adversarial, because we would not be doing scrutiny or legislation.

We should try to get out of the building—not all the time, but a bit more—to build up those

relationships and perhaps change the culture a bit in each of the committees.

Karen Adam: On that point, we had a really good example on Tuesday evening of how the Parliament can work exceptionally well across parties. We have taken party politics out of the discussion and scrutiny of that particular bill—

Sue Webber: That was not in committee—it was in the chamber. Can we please stay on the issue of committees, if you do not mind?

Karen Adam: I am just saying that it was a good example of cross-party working. We can look at the culture that was cultivated in that debate and carry that mindset through into the committees, knowing that we are all working towards a common purpose of creating the best outcomes and the best law and of scrutinising topics in the best way. We can think about practical things such as working together on work programmes and having away days, but it is important to look at pulling the topical politics out of that.

Rhoda Grant: I reiterate that committees going out and about allows for more committee meetings and makes them more accessible to the public.

Sue Webber: Ross Greer, you had some ideas—you mentioned them in your previous answer, so I do not want not to go over it again—about meeting in different settings and having a different feel to the entire parliamentary week.

Ross Greer: Yes—there is definitely a way that we can rebalance the parliamentary week. That goes back to what I said about the value of chamber time. I absolutely agree on the importance of getting out of the building, not only for teamwork and team bonding but for the perspectives that we would get.

I almost pose this as a question, because I am not, and have not been, a committee convener—I know that there are multiple current and former conveners in the room. My understanding, having been a member of multiple committees in the past, is that the challenge in getting authorisation to go outwith this building is often in getting the Conveners Group to sign off on that. That has varied, depending on the composition of the Conveners Group over the decade that I have been here.

Sue Webber: Perhaps it also depends on where the committee intends to go.

Ross Greer: That is part of it.

I remember hearing one anecdote—I will not mention what session or what committee it was in—in which one convener could not get authorisation to go to Coatbridge but the next convener got sign-off to go to Brussels. The first

convener felt rather bruised by that, and it was observed that it was perhaps the showmanship of the presentation of the value of the second trip that swung it.

We all know the underlying nervousness there. Money is finite, and we should be effective stewards of the public finances. Every committee trip is subject to a freedom of information request—each gets FOI-ed. We had a recent Finance and Public Administration Committee trip to London for the meeting of the interparliamentary finance committee forum, which does what it says on the tin. There is a necessity, once or twice a year, for all the finance committees of this country's Parliaments to come together. However, it still ended up as a *Daily Express* story in which all of the committee's collective spending, which came to about £3,000, was attributed to me personally, because the *Daily Express* loves a Ross Greer headline, apparently. I did not mind that—

The Convener: Can I draw just us back to—

Ross Greer: Yes.

I understand the nervousness that a lot of members have because the perception of us spending public money and forever leaving this building is often down to misrepresentation and manipulation. However, we need to be brave enough to say that there is a necessity for that and that the range of advantages in doing that is vast. My understanding is that that would require a change in what has been the dominant culture of hesitation in the Conveners Group towards authorising such outward-bound activities. I do not know whether that is the case right now, but it has certainly been the case over the time that I have been here.

Sue Webber: I have been a convener and on the Conveners Group.

I will go back to the issue of culture. Ms Adam spoke about robust scrutiny and making the best law possible. It is about how that links to the role that the convener plays, perhaps in the selection of witnesses, and how that drives how effective the committee is.

Douglas Ross: That is one of the issues that we cited in our submission. It depends on the convener, but the clerks perhaps sometimes have more influence than they should. They have expertise, which is important, but, ultimately, it is up to the committee to decide on witnesses. I have certainly tried, since becoming a convener, to get more committee agreement in that regard. We went through suggestions for witnesses for the Tertiary Education and Training (Funding and Governance) (Scotland) Bill, and some of those from whom we have now taken evidence were not suggestions by the clerk or people I had thought

of, but good ideas that came from Pam Duncan-Glancy, Ross Greer, Willie Rennie and others.

I also want to use this as an opportunity to make a pitch for our point that witnesses should register and declare any interests. We have found at a number of committees that, because of the size of Scotland and our landscape, many of the witnesses are from organisations that are funded by the Scottish Government. We believe that those who are answering questions should register a financial interest and make that clear to those who are watching the proceedings, in the same way as we do when we are asking questions in which there is a financial interest.

Willie Rennie: The particular format that I like is getting witnesses here who might have a debate between themselves. We often get uniform panels of witnesses who are all from one part of the sector and who all say roughly the same thing, but I want to see how they test their arguments against each other. Some of the most productive sessions have been those in which they have done just that.

Some witnesses do not want to do that, because they do not want to be in the same room as somebody they disagree with. However, it is in our interest to see that exchange so that, rather than them relying on us to ask the questions, we are almost getting them to ask the questions of each other, which is of particular value.

That goes back to the role of the clerks and SPICe, and to the independence of the members. It is about how much control members will take over their committee and how much they will be led by the professionals. Those professionals know a hell of a lot, and we need to draw on that experience, but we also need to own the committee. Too often, I feel as though the standard questions to ask are just accepted and that the witnesses and the report that is produced are, likewise, just accepted. Members need to take control of the committee, otherwise it is not their committee.

Ross Greer: The convener can dictate who the committee's witnesses are only if the committee lets them do that. There is an element of interpersonal dynamics to that. It is easier to disagree with some conveners than with others, and it is easier to disagree with some members, whether they are conveners or not, than with others. I have seen situations in which conveners have—in my view—been trying to bounce the committee into agreeing with what they want to do or to present something as if it is a fait accompli by saying, "By the way, note this," and then they move on.

10:45

A bigger problem is when members of the committee do not come prepared to make alternative suggestions for witnesses. We do not set a clear or high enough expectation on committee members that every one should come with proposals for whom we take evidence from. That goes back to Douglas Ross's point about the size of the country: essentially, there are professional witnesses, because there are some organisations that we need to hear from on some topics and they always send the same people. That creates the groupthink that the Parliament and our wider political sphere is often accused of having. There should be a challenge to all committee members: whether we agree or disagree with the convener's approach to the selection of witnesses, we should all be expected to come forward with proposals of our own.

Perhaps we should set an expectation that we should come forward with proposals to seek evidence from people who have never given evidence before. On that, we might need to be more relaxed than we often are—for good reason—about whether somebody has submitted written evidence before they are called to give oral evidence. If we are trying to get a more diverse range of views, we should consider that perhaps someone did not provide a written submission because they feel so distant from the Parliament, so we should make the effort to invite them to come here.

Sue Webber: We should get them in.

Ross Greer: However, that is a responsibility on all members, not just on the convener.

The Convener: I am conscious of the time—sorry, Ross.

Sue Webber: I am sorry—this is a question that I want to focus on, if that is okay.

The Convener: Yes, absolutely.

Karen Adam: For the SNP, we have always prioritised hearing from those with lived experience. It is vital to hear how policy affects those on the ground or on the front line. In committee, I have seen examples of that, such as when we were doing our human rights budgeting. People from various backgrounds came in and fed back on what the budget meant to them, what they knew about it, the transparency around it and whether they thought that they could scrutinise it. It was really valuable work.

Disabled people with lived experience gave evidence on the Disability Commissioner (Scotland) Bill, and autism groups came in to discuss the learning disabilities, autism and neurodivergence bill. It was really important to hear about that lived experience.

The Convener: I know that this sounds very rude, and I have no intention of being rude—

Karen Adam: I apologise.

The Convener: There is nothing to apologise for. I am very conscious that you are here as representatives of your parties and that is the angle on which we are seeking input.

Sue Webber: It is lived experience in this case.

The Convener: I understand that your party absolutely supports lived experience voices being heard at committees.

Karen Adam: I just wanted to set out that the SNP is absolutely behind lived experience, and I was giving some examples of that.

Sue Webber: We will move quickly on to Rhoda Grant and then to Ash Regan. Rhoda Grant, do you have anything extra to say?

Rhoda Grant: Every committee should make sure that its witnesses are representative of the public—that should be a rule of thumb. That falls to everyone, including the committee—

Sue Webber: Are you talking about hearing from all the voices on all the sides?

Rhoda Grant: Yes. With hybrid committees, we can do that with fewer barriers.

Ash Regan: In general terms, it is clear to me from the committees that I have been on that the witnesses are usually those who we would call the usual suspects—you can almost predict who will appear. I agree that we are hearing too much from certain people.

I also beseech committees to recognise that not every witness who appears is a professional witness in a paid role. Some of them are volunteers, as we saw with the women's rights campaigning. They were volunteer groups; they did not have the capacity to respond and to turn around a written statement in one or two days, which they were asked to do. We need to take that into account.

The conveners are instrumental in the process. During the passage of the Gender Recognition Reform (Scotland) Bill, the selection of witnesses who were chosen appeared to be skewed towards those who supported the legislation. It was felt that some of the other groups were not given the same time to speak and that, when they did speak, they were closed down much more quickly. There were other groups that wanted to come and speak—for instance, there was a group of women who would very much be considered to have lived experience because they were victims of male violence. They wanted to give evidence but were told by the committee that they were not welcome to do so.

Then, about 12 weeks later, they were told, "Well, you can put in a written statement."

As a Parliament, we need to be sensitive to volunteer members of the public who want to engage in democracy and about how we treat them. That was not a very good representation—

The Convener: In essence, should there be more transparency around the witness list? In the light of what we have heard from Ross Greer and others on responsibility, should committee members be genuinely part of that decision making?

Ash Regan: Ross Greer is quite right. The conveners get away with such decisions only if the committee allows them to.

The Convener: I thank the witnesses for their evidence today. The excitement is that there is a chamber debate on our inquiry on Thursday 22 May. I hope to see all members contributing to that, whether it is in personal areas, on their party's behalf or otherwise. If anything comes to mind once you have considered the session afterwards, please feel free to write to the committee.

I momentarily suspend the meeting for a changeover of witnesses.

10:50

Meeting suspended.

10:53

On resuming—

The Convener: I welcome our second panel, on which we have Jamie Hepburn, the Minister for Parliamentary Business; Steven Macgregor, head of the parliament and legislation unit at the Scottish Government; and Ailsa Kemp, parliament and legislation unit team leader at the Scottish Government.

Thank you for your patience, minister. We will move straight to questions, so I will throw you in the shark pit and invite Rona Mackay to start.

Rona Mackay: Good morning. Earlier, we started by asking members of the first panel to sum up the role of committees in Parliament in one or two sentences. Can you do that, please?

The Minister for Parliamentary Business (Jamie Hepburn): This is the first time that I have ever been asked to sum up something in one or two sentences—I hope that this does not count as my first sentence.

As this is a legislature, the most obvious thing is that parliamentary committees must consider the legislation that is placed before Parliament,

whether that involves looking at a bill in its primary form, the process of refinement at stage 2 after gathering a wide range of evidence or statutory instruments. Thereafter, the committee, depending on its defined remit, has the autonomy to decide whether to undertake an inquiry on specific subjects of Government activity or areas that the committee thinks that the Government is not doing enough on.

I did not count how many sentences that was, but I hope that that helps.

Rona Mackay: It was a bit more than two.

What is the Scottish Government's view on the performance of committees in the Parliament?

Jamie Hepburn: It is not really for the Government to say, because we are accountable to the Parliament. We will come along if a committee requires, as you have rightly asked me to do today. However, Government ministers cannot earnestly sit here and say what our perspective is on committee performance.

Rona Mackay: Some other Parliaments have clearly defined committee structures and what they are meant to do is set out clearly. Could we do that here? Could we perhaps have a clearer definition of committees?

Jamie Hepburn: A collective one?

Rona Mackay: Yes.

Jamie Hepburn: Again, that would be for the Parliament to decide. Such a definition could only be determined as effective in so far as it reflects the committee's purpose. Right now, every committee has a set and defined purpose. The purpose of the standing committees is very clearly understood, and the subject committees, which are determined and composed in each parliamentary session, have their remits.

I observe that the role of committees is understood to some extent. Whether that needs to be further clarified, defined or written down would ultimately be a matter for the Parliament. If such a change had any implications for the Government thereafter, we would need to consider how it would work in practice.

Rona Mackay: I want to ask about your personal experience as a minister who sits before committees. Are ministers held to account enough?

Jamie Hepburn: Far too much.

Rona Mackay: Is there enough discipline in committees? I know that it varies between committees, but if things get a bit out of hand, is the convener generally able to impose discipline?

Jamie Hepburn: Sitting here as a Government minister, it is very difficult to answer whether a committee exercises enough discipline when holding the Government to account. I have never thought of Ms Mackay as a shark, as you suggested she might be, convener, but answering that would put me in a rather invidious position.

As a Government, we could not set out a perspective on that question. Privately, we might have a candid perspective, but, as a Government, we do not have an overt collective perspective.

Rona Mackay: Thank you.

The Convener: You have been very open about this, minister, but it is right and very fair to note that a lot of the committee's work, such as this inquiry, is done on the Parliament's behalf, and I welcome the fact that you have said that you would support whatever decision the Parliament reaches.

One interesting aspect of this committee inquiry is the fascinating interaction between the Government and committees. We managed to get the parties to lift the lid on certain dark secrets about what happens under the surface—they might regret that when they look back on their evidence, but we will see; I am also placing an advert for people to look at that evidence.

One thing that I want to concentrate on is the value of having an elected convener. Unless I have misunderstood this, the Scottish Government, in essence, does not have a view on that, because it will address what the chamber says. However, from the Scottish Government's point of view, would having someone who is very openly identified as representing a committee aid any of the aspects of discussions that happen, behind the scenes and at an official level, to steer things one way or the other? Would having someone who has the chamber's authority to be a committee convener aid the interaction between the Scottish Government and that committee?

Jamie Hepburn: First, I should make it clear that the Government does not have a perspective on whether there should be elected conveners.

The Convener: Certainly not.

Jamie Hepburn: The question is hypothetical. If that were to happen, perhaps it would aid things in the way that you describe, but, given how things work just now—with conveners of the Parliament's committees being elected by committees, once members have been appointed, and with places being allocated party by party—I do not see anything in the manner in which the Government interacts with them that would fundamentally change as a consequence of conveners being elected by means of a vote of Parliament.

11:00

The Convener: I know that you go out of your way to meet conveners to ease things. Are you saying that the method of selection would not alter that relationship with the Scottish Government or that approach?

Jamie Hepburn: I cannot see in what way it would, frankly. Whether Parliament has a wider role in electing conveners or we go through the process that we have now, my expectation would be that I would continue to engage with all conveners to talk about parliamentary business more widely and how it might impact committees individually, and for ministerial colleagues to continue to engage with conveners and, of course, committees as a whole, as required.

The Convener: Let me ask you an easy question, because I anticipate what your answer will be, then a slightly harder one. Obviously, elected conveners have been considered at different times in this place. As minister, would you support a move towards having elected conveners?

Jamie Hepburn: As minister, I say quite clearly that the Scottish Government has no position in respect of whether there should be elected conveners. It is a matter for Parliament.

The Convener: If I absolutely accept your answer to that, minister, do you see the role of an elected convener—a parliamentarian—as being a different pathway for someone who comes to this place?

Jamie Hepburn: By its very nature, it is a different pathway. I am sorry—do you mean, by contrast to being in Government?

The Convener: Absolutely, yes.

Jamie Hepburn: Yes. By definition, it is a different pathway, because it is a different destination. Being a convener of any of Parliament's committees is a big responsibility, which I know that the various conveners in this session of Parliament take seriously, as they should.

The Convener: Thank you. I will throw you to the mercy of Annie Wells now.

Annie Wells: Good morning, and thanks for coming along. I am looking at induction and training. What training and support do ministers get when they are preparing to come in front of committees? Could the Parliament learn from that when it is looking at induction and training for new members? Could anything transfer over?

Jamie Hepburn: I am trying to think. I was first appointed as a minister in November 2014 and, earnestly and honestly, I cannot remember any form of induction beyond relying on the

professionalism and expertise of civil servants who were there to support me and working with more experienced colleagues, who had been in Government for some time, to understand what it was all about. If I recall correctly, I was initially appointed Minister for Sport and Health Improvement, and the next week I was giving stage 1 evidence on a bill that I had not been involved in introducing. The officials who supported me had pulled together a briefing to get me ready for the meeting, and I relied on them.

More widely, I have observed that it is down to each individual to determine what type of additional support they might require for colleagues in Government to provide it. I had been a parliamentarian for seven years before I became a minister, which brought me a certain level of experience in parliamentary proceedings.

Annie Wells: When I got elected, in 2016, the Parliament organised an induction programme, which was welcome and good. However, when some of my other colleagues joined in 2021, we were in Covid times. I think that some of our earlier witnesses talked about continuing professional development for members. Do you think that the Parliament could consider that and learn more about it? That probably asks a personal opinion from you.

Jamie Hepburn: I see no reason why that should not be possible. Again, that would be for Parliament to determine. You are asking me to talk about these things in a personal capacity, and I would say that, quite rightly, many such issues are driven by the Presiding Officer in each session. I was first elected in 2007, and I do not recall any form of induction. I do not know whether there was one in 2011, but what happened in 2016 was probably very much driven by the outgoing Presiding Officer, Trish Marwick, and 2021 was, obviously, a different context.

It would be for Parliament to decide, but, if you are asking me whether, objectively, that sort of induction would be of assistance, I would say yes, almost self-evidently, it would be sensible to do it. However, that is for Parliament, not for Government.

Sue Webber: Good morning—and I am just checking the clock, minister.

Jamie Hepburn: Is that your way of saying that I have to be quicker?

Sue Webber: No, not at all. We are certainly getting through these questions a lot faster than we did with the morning panel.

Jamie Hepburn: That speaks to Government effectiveness.

Sue Webber: Yes, indeed.

We have heard a lot from our various witnesses, specifically those who spoke to us earlier this morning, about how important cross-party working is for the effectiveness of committees. We also heard a little bit about how some witnesses felt that that had changed since the Green Party came out of the official arrangement with the current Government. How does cross-party working—or the lack of it, importantly—impact on government?

Jamie Hepburn: I first came into the Government when my party had a majority. Irrespective of that, I tried to work with colleagues across parties.

Sue Webber: Do you feel that your outreach into committees has changed a lot as that position has changed?

Jamie Hepburn: No, I cannot earnestly say that it has changed drastically. There is a degree of rough and tumble with politics, and we all bring our own perspectives. We have all been elected as party politicians, and that will inevitably come into play, in committee or otherwise. By and large, however, I do not think that things have changed too drastically.

I must also be candid in saying that, because I am in the Government, I do not sit on a committee, so I do not know about the dark secrets that the convener talked about—and I will keep mine to myself. I do not know precisely how committees operate when they meet in private session, and nor should I. The Government should not know that.

Looking from the outside in, it does not look as though things have changed drastically. However, of course, I have not sat on a committee since 2014.

Sue Webber: I will turn to something that is quite topical, although this is going off piste a wee bit. On the point about committees meeting in private session, there has been an awful lot of coverage in the past few weeks about committees meeting in private to discuss the evidence that they have heard, and some people have said that those discussions should be in public. That practice is part and parcel of our culture and of how committees operate and work. How might we be able to present that to the public as not being a closed shop, but as being part of the important role that the committees play?

Jamie Hepburn: Again, I have to be careful here.

Sue Webber: I know you do.

Jamie Hepburn: It is for Parliament to determine whether there should be some form of systemic change to the formalised ways of working. Equally, it is for each committee to determine what is done under the current rules.

Sue Webber: I understand.

Jamie Hepburn: If you are asking me whether the Government has any concern about that, the answer is no. If you are asking me whether the Government has a perspective on whether that should change or not, then I would say that the Government does not have a perspective on that.

Sue Webber: Your position is difficult, as you are speaking on behalf of the Government today. On the matter of how to strengthen committees and build a culture of real, effective cross-party working, we have heard ideas about elected conveners, developing vision statements at the start of sessions, making greater use of visits and having off-site evidence taking. What do you believe might make the most difference in making committees more effective? Is there anything among those options that you might gravitate towards more, or is there anything different? That is a big question.

Jamie Hepburn: This may be a matter of frustration, but I will probably say this a number of times: we need to be careful, as I cannot sit here as a Government minister and say what the best way for Parliament to operate would be. Parliament needs to make that decision.

Emma Roddick: I will follow up on that point briefly before I start my question. Does the Government want committees to be more effective?

Jamie Hepburn: Well, yes. There are concerns about their effectiveness right now, but I go back to my initial observation that it is not for the Government to say whether or not committees are being effective. However, of course we would want that.

Emma Roddick: One thing that has come up, in the previous panel and in our evidence sessions before that, is that there is a need for smaller committees, in order to allow members to delve more into questioning witnesses. How might having smaller committees impact Government planning either from a proportionality perspective or in how you interact with committees?

Jamie Hepburn: I do not think that it would change the manner in which we interact with committees except in what the committees might require of us. I do not think that their size would change the dynamic or the nature of the relationship between the Government, as the executive branch, and Parliament, as the legislative branch. I do not think that the size of committees particularly drives that. I say that while sitting here now, but, if the committees were made smaller, maybe we would find, through practical experience, that it changed the dynamic. However, I cannot think of any reason why it would change

the relationship between the Government and the committees of Parliament.

It is similar to the earlier question about whether having elected conveners would change that relationship. My answer to that was that I cannot see any reason why it would, and, again, I cannot see any reason why the size of committees would alter that relationship.

There is evidence to assess that right now in so far as we have committees of various sizes. This committee is fairly small but perfectly formed, I should probably say, convener—although that could get me into trouble with the larger committees, so I withdraw that remark. The education committee is much bigger, and I am not aware of anything that, in and of itself, drives a different interaction because one of the two committees is larger than the other. Interaction is driven by the demands of the individual committees.

Emma Roddick: Having smaller committees makes it more difficult to be proportional. We heard that in conversation with the previous panel. This committee does not have a Government majority. Would the Government be concerned if that were to be more common?

Jamie Hepburn: The Government does not have a majority in Parliament.

Although that brings pressure to bear on back-bench members of the Government party—which we should recognise, although it is inescapable—the important thing is that, after there is a parliamentary election, committee membership should broadly reflect the composition of Parliament. That is my perspective on the matter.

It could be argued that having smaller committees would be more challenging, because not every party could be represented, but, by its nature, that is down to the size of the parties. We try to reflect parties' allocation in Parliament across all the committees, and it would be for Parliament to determine whether that should change.

Emma Roddick: There is, at the moment, significant churn in committee memberships. What do you think drives that?

Jamie Hepburn: There are different things. The most obvious and probably most substantial single event that might drive it is the First Minister—any First Minister—determining that there should be a Government reshuffle. Some people leave Government and some people come into it, and that would clearly drive churn.

There are other good reasons, too. Sometimes people are ill and have to take a leave of absence from Parliament. There can be bereavement or other reasons why someone might not be able to

attend Parliament for a while. The Parliament has adapted its processes—for example, with proxy voting and remote voting—to accommodate that so that those situations do not impact parliamentary proceedings.

Given that committees consider matters in depth, there is only so much that I can do to assist those proceedings. If members are not able to attend Parliament for a while, inevitably that will lead to committee membership changes. That has certainly been the case during this parliamentary session.

11:15

Emma Roddick: Should churn ideally be avoided?

Jamie Hepburn: Again, probably frustratingly, the Government does not have a direct perspective on that. Looking at it objectively, most people would instinctively say that it should be avoided as much as possible, because we would want people to build up a certain level of expertise and understanding of the subject matter. That has to be balanced, because members will also want to broaden their experience and understand different facets of parliamentary proceedings and Government activity, which is another driver of churn. Some members may want to move to a different committee because they want to benefit from broader exposure.

Broadly, most people would say instinctively that we should try to minimise churn, but there is some inevitability that it will happen during a parliamentary session. That is not new; it has been the case throughout my time in the Parliament. Before I was a minister, I was on numerous committees.

Emma Roddick: I suppose that, if the Government is the catalyst for much of the churn, there should be more of an interest in the impact that that has on committee effectiveness.

Jamie Hepburn: I would not necessarily say that. I have conceded that a reshuffle, which would be a one-off event, would create turnover or churn—whatever we might call it. I am not as convinced that Government activity in and of itself is the driver of that churn. I would be interested in the evidence that suggests that the business or the activity of the Government is the driver of the issue.

Emma Roddick: Another point that the previous panel made was about the opportunity for committees to add extra time to their work programmes. They might have to get through quite a lot of bills, or they might want to add post-legislative scrutiny to a very busy timetable, but they are constrained by the limitations of the

parliamentary week. Ross Greer suggested that some chamber afternoons could be given over to committee business, which could happen every few weeks or months. Does the Government have a position on that proposal?

Jamie Hepburn: No, it does not. That would be a matter for the Parliament. I have heard that there is a perception that the Government is making great requirements of committees because of its legislative programme, which makes it hard for committees to handle their workload. A document that I have in front of me notes the average number of Government bills that were introduced per year per session. In session 1, it was 13; in session 2, it was 13; in session 3, it was 11; in session 4, it was 13; in session 5, it was 12; and in session 6, it is 12. The evidence suggests that we are not burdening committees with lots of activity in a way that we did not before.

I know that the average time that it takes to pass a Government bill is much longer now than it was before. This is based on only an initial look at the data, and there might need to be some sense check of the figures, but in session 1 it took 145 days calendar days—not sitting days—to pass a bill, whereas in this session it has taken 290 days. The time taken for stage 2 and stage 3 proceedings has been broadly stable across the parliamentary sessions, but stage 1 proceedings have taken much longer during this session. Stage 1 proceedings are not in the hands of the Government, as they are a matter for committees. I do not know whether that is something that the committee is considering.

The Convener: I suggest that the question at stage 1 sits in the hands of the Government.

Jamie Hepburn: Of course it does with regard to the legislation that we introduce. I am merely reflecting on the fact that, although I am hearing that it is the volume of legislation that is the driver, the facts point in a different direction.

The Convener: It is also correct to say that we are having to consider bills to which substantially more amendments have been lodged.

Jamie Hepburn: I am happy to speak to that as well, if you would like me to do so. I have figures on that, too.

The Convener: I am very conscious of the time and of the fact that many people who are here have a commitment to be somewhere else in the not-too-distant future.

Jamie Hepburn: I will quickly pick up that point, if I can. The average number of amendments per bill in session 1, when we were getting through legislation much more quickly, was 193. In this session, the number is sitting at 140.

Emma Roddick: Do you have numbers for how much subordinate legislation has been handed to committees in the different sessions?

Jamie Hepburn: I do, if you will let me find them.

The number of Scottish statutory instruments in the first year of our first parliamentary session, from 2000 to 2001, was 326. The number peaked in 2006-07, at 522. The last year for which we have figures is 2023-24, when there were 193 SSIs. Again, I therefore respectfully suggest that we are not overburdening committees with legislation in either its primary or its secondary form.

Emma Roddick: Do you recognise that the legislation that has come forward in the current session has not been spread evenly among the committees? I appreciate that the Government does not set down the issues that sit in each committee's remit. Do you see an advantage in the option of having bill committees, which would take the work of scrutinising bills from other committees?

Jamie Hepburn: That could be an option—it has happened before—although I observe that we have only so many members to comprise committees. Therefore, although one might think that that would reduce the pressure on a committee, it might not reduce the pressure on the individuals who comprise the committees.

Yes, I absolutely recognise that some committees will be more legislation intensive, but that is not new in the current parliamentary session—it has always been the case.

Emma Roddick: From a Government perspective, are there difficulties when a committee is dealing with a bill that is outwith its own remit?

Jamie Hepburn: I do not think that that poses any challenges for the Government. You are probably referring to a situation in which a bill might touch on the remit of more than one committee. It could be a matter of perspective, but I am struggling to think of a time when it could be felt that a committee had to deal with a bill that was not within its remit at all.

Emma Roddick: What about the Dog Theft (Scotland) Bill?

Jamie Hepburn: The Dog Theft (Scotland) Bill is before the Criminal Justice Committee, is it not?

Emma Roddick: It is being dealt with by the Rural Affairs and Islands Committee.

Jamie Hepburn: By the rural committee—I beg your pardon.

Emma Roddick: But some of it probably should be dealt with by the Criminal Justice committee.

Jamie Hepburn: I think that that makes the point, though. I have misremembered it, so you will have to forgive me, but that bill touches on more than one committee's remit. I make the point that the Government—it is ultimately for Parliament to determine, but Government has a role—will look across the range of committee business and try to ensure that the workload is being spread evenly.

The Convener: I come back to Sue Webber.

Sue Webber: Back to me—keep up!

We have heard a lot about preferences for a committee structure. Right now, the committees mirror many of the ministerial portfolios. Do you think that there could be a balance between committee remits having a manageable breadth of scope and further clarity being provided on which committee each minister is accountable to? There are currently ministers whose portfolios cross over the committee remits—I am thinking of Mr Fairlie, the Minister for Agriculture and Connectivity. In addition, some of the education and skills portfolio runs across a number of committees.

Jamie Hepburn: Jim Fairlie reports to two cabinet secretaries, and the remits tend to be structured along the lines of the cabinet secretaries' portfolios.

I think that there would be merit in that suggestion, although ministerial responsibilities change. I do not think that we would suggest—again, it would be a matter for Parliament, but I do not think that I detect any sense that it would be desirable—that, each time there are changes in ministerial responsibilities, we should fundamentally alter the committees that we have, although I know that responsibilities and remits might sometimes adapt accordingly.

To a smaller or larger extent, however, it is a bit of a moot point. I or any minister can be called before any committee—and rightly so. Whatever responsibilities are identified and invested in any individual committee, if it wants to speak to a minister, I would urge and expect ministers to agree to that. Not so long ago, I was before the Equalities, Human Rights and Civil Justice Committee, which might not be a committee that you would expect the Minister for Parliamentary Business to attend.

Sue Webber: I suspect that you might be called to any of the committees, with your remit.

Jamie Hepburn: Well, there is that perspective as well.

Sue Webber: On practical measures to support committees to better balance their work between

inquiries and bills, we have had discussions—when I was a convener and when you were in your current role—on managing the congested periods in the legislative programme. What more might be possible to allow a bit more negotiation in the timetable for scrutiny?

Jamie Hepburn: I go back to the point that I just made. I am not abrogating the Government's responsibility to consider that, because it is to do with legislation. We introduce legislation at a certain stage, so we need to consider that, and we look across the range of activities in committees when we are thinking through how we might frame legislation.

Once legislation is introduced to Parliament, however, it is not in the Government's hands. Of course, we will have a role—my officials will engage with the committee clerks and with the Parliament's business team to work through the process. Nonetheless, once legislation is in Parliament, the timetabling is in Parliament's hands.

Sue Webber: One of our witnesses said, "What would happen if the committees just said no to something happening?" How would the Government feel if a committee was to exert that level of control?

Jamie Hepburn: I guess that it would depend on the question. If we had introduced legislation, there would be a wider expectation that Parliament had to consider it. Once it is at committee, it is for the committee to determine.

I go back to the figures—I will not read them all out again, because I see the time, convener—

Sue Webber: Yes—that was the stage 1 stuff.

Jamie Hepburn: —but I have provided evidence about the numbers of bills and SSIs and the length of time that is now being taken for consideration, with a reduced number—certainly of SSIs—in contrast to the large number that were introduced previously, when they were dealt with much more quickly.

Sue Webber: We have also heard how allowing committees to meet in private—or even not in private, but in formal session—at the same time as the chamber could increase committee capacity and reduce some of the congestion. Would the Government be in a position to support something like that? Do you have any thoughts on it? It might mean that you would have to appear at committees at all times of the day.

Jamie Hepburn: My first observation—the convener knows this as well as I do, because he sits on the Parliamentary Bureau—is that it is possible for a committee to ask for dispensation to do that just now. Whether it was to become routine would, again, be a matter for Parliament to

consider. It would have to be weighed against what might be happening in plenary sessions and committee members' desire to take part in those proceedings, too.

If it were to happen—again, it is not for the Government to say whether it should happen—a committee might need to consider, collectively, how it would balance the desirability or possibility of its meeting against the desire of its members to take part in other proceedings.

The Convener: We come to my last question—I thank you for your time and, indeed, your patience this morning, minister.

Looking at the gender-sensitive audit, there is—rightly—great pressure for balance even just on a gender basis. One of the challenges on which we have heard a substantial amount of evidence—you have hinted at it, too—is that the size of a Government dictates the availability of its back-bench members to facilitate all the other parliamentary roles. The current Government—rightly, and as Scotland would expect—operates a gender-balanced Cabinet across the ministerial portfolios. How do we square that with the challenge of achieving the same in the Parliament? That becomes incredibly difficult, even in the sense of setting a threshold of 40 per cent, when the number of people of the correct gender are simply not there.

The challenge is first occasioned by the make-up of those who are returned to this place. We had an interesting discussion with the parties about their responsibility in that regard. However, once members are in this place and the pool is fixed, the gender balance of the Scottish Government makes it very much harder to achieve the same in Parliament. Which should take priority? What is your view on that conundrum?

11:30

Jamie Hepburn: Well, it is a conundrum. I do not think that one should take precedence over the other.

It is obviously at the First Minister's discretion to determine whom he or she wishes to appoint to Government, and it has been the determination of the current First Minister and the previous two First Ministers to establish a gender-balanced Cabinet. That is a good thing—I think that that view is held by most people—because Government should try to be as representative as possible of the wider population. So, too, should Parliament, but Parliament is not. I am not going to veer into politics too much, because I know that that is not the nature of this session, but it becomes particularly difficult when the membership of the Government party comprises—how shall I put it? I will avoid using the term

“heavy lifting”, although I have said it out loud now—a more significant number of female members than other parties might comprise.

The Convener: I genuinely think that you are articulating the position in a very honest way. The Parliament is created first and a Government will emerge out of it, but the selection of that Government dictates the availability of members in other areas.

Jamie Hepburn: Of course.

The Convener: One of the challenges concerns the use of d'Hondt—to use the shorthand—and the available pool that is left. Is there anything that the Government can—or, indeed, should—do, in reflecting on some of its decisions, to facilitate an easier achievement of that balance? I genuinely think that we all agree that such a balance would produce a far better vehicle at committee level, for scrutiny and things like that, and at chamber level, to do other things. Is there a responsibility on the Government to face really hard questions in order to allow others to achieve what the Scottish people want and what the gender-sensitive audit has suggested?

Jamie Hepburn: I know that you are not suggesting this outright, convener, but that would potentially lead to the conclusion that there should be fewer women appointed to Government. If that was the question, my answer would be a straightforward no—

The Convener: Or towards shifting the d'Hondt balance in other areas of the Parliament, so that other parties can pick up the slack that the Government cannot fulfil.

Jamie Hepburn: That goes back to my earlier point. I think that it is important that our committees represent who has been returned here in terms of numbers per party, because that is what the people have determined. You said that, in a previous session—I have not looked in detail at what was said then—that other parties made reference to their own efforts to ensure that they are more representative of the wider population. To put it crudely, that would be the best way of achieving better and more representative numbers in Parliament, in general, and then in the membership of the committees.

The Convener: Excellent.

As always, minister, if anything comes to mind for either members or yourself, we know how to reach out to each other. I thank you and your officials for your time this morning.

Meeting closed at 11:33.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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