



The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

Alison Johnstone
Presiding Officer
Scottish Parliament

12 November 2024

Dear Presiding Officer

Gender Sensitive Audit –Standards, Procedures and Public Appointments Committee’s next steps on recommendations

Thank you for meeting with me and other members of the Standards, Procedures and Public Appointments Committee regarding the Parliament’s Gender Sensitive Audit. It provided a helpful opportunity to discuss the Audit recommendations that we have been referred. Following the meeting we returned to the consideration of the Audit in private session at our committee meeting on 31 October 2024.

I am writing to you, following our Committee meeting, to provide further insights into our deliberations and to set out our next steps in relation to the Audit recommendations.

We recognise as a committee the importance of having a ‘gender sensitive parliament’. We are keen to ensure that progress is made towards its delivery. Our role as a committee has been to consider these recommendations within the context of potential rule changes to Standing Orders, their practical application and operation and also to give consideration to whether there are any potential unforeseen consequences.

For ease of reference I have set out below each of the recommendations in turn and have highlighted:

- where we have already delivered on what was proposed;
- where we plan to propose rule changes in Standing Orders for the Parliament to consider and agree;
- where we are incorporating the recommendation into other work the committee is conducting; and
- where we consider the recommendation requires input or lead from other bodies within the Parliament.

Contact: Standards, Procedures and Public Appointments Committee, The Scottish Parliament, Edinburgh, EH99 1SP. Email SPPA@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

A Parliament for All: Report of the Parliament's Gender Sensitive Audit Recommendations considered by Standards Procedures and Public Appointments Committee

Recommendation 14 - Chamber participation data

The SPPA committee to consider these statistics (from Recommendation to collect statistics on chamber participation data – questions, debates, statements, interventions) biennially, and develop new rules and/or conventions to rebalance participation, where there is evidence of gender and other inequalities of participation

We recognise the importance of producing further chamber participation data to provide insights into the behaviour of the Members in the Chamber at an individual and party level. Given the nature of this data we believe in the first instance that consideration should sit with both you as chair of meetings of the Parliament and the Parliamentary Bureau given its role in managing the business of the Parliament.

If there were issues that warranted wider consideration regarding evidence of gender and other inequalities of participation these could be referred to the SPPA Committee. The Committee could then consider whether any changes should be proposed to procedures to address these concerns.

During our discussion on Members chamber participation the issue of CPD was raised. We note recommendation 28 in the Audit regarding the SPCB considering updating Continuing Professional Development for Members. We recognise the importance of ensuring there is a package of measures for Members to use so they are confident in debates especially in relation to interventions. As a Committee we consider there should be appropriate induction materials for Members at the start of the next Parliamentary session and ongoing training through offering a buddy system and role play session to support and encourage members with these aspects of conduct and engagement in the Chamber.

Recommendation 18 - Officeholders and membership of parliamentary bodies

The SPPA Committee to propose amendments to Standing Orders to specify there should be a minimum of 40% for women, for

- SPCB
- Parliamentary Bureau
- Committee Convenerships.

In relation to a gender quota for Parliamentary Bureau membership Standing Orders currently requires party leaders to consult each other and to have regard to gender balance in making nominations.

The Committee has agreed to propose changes to the rules to strengthen the current requirements to increase the prospect of gender balance on the Bureau. The Committee will consider proposals for the specific wording in due course and once agreed publish its report recommending these changes to the Parliament for

approval. The change will be recommended to take effect from the start of the next parliamentary session.

With regard to consideration of a quota for committee convenerships as you will be aware the Committee has launched its inquiry into [Committee Effectiveness](#). This inquiry is seeking to answer the following question: Are there changes to the Parliament's procedures and practices which would help committees to work more effectively?

One of the key themes of this inquiry will be consideration of elected conveners. The Committee has already consulted on the practical operation of elected conveners. The Committee will consider what cultural changes it thinks elected conveners would bring to the operation of committees. The Committee has agreed to return to consideration of committee convenerships and gender balance as part of this inquiry. It is currently expected that the Committee's inquiry report will be published in advance of the summer recess 2025. This timing will enable any proposed rule changes that flow from the report to be considered and agreed by Parliament in advance of the end of the current parliamentary session.

In relation to the quota for SPCB membership we have considered this within the context of the other recommendations relating to the SPCB and this is explored below under recommendation 24.

Recommendation 19 - Quota for Committee membership

The SPPA Committee to propose the introduction of a rule that there should be no single sex committees and to consider and agree, when ruling out such parliamentary committees, whether the rule should refer to: (i) a 40% minimum for women; (ii) a minimum % based on the numbers of women 'available' for committees (ie, excluding Cabinet Secretaries and Ministers, party leaders and Presiding Officer and Deputy Presiding Officers or (ii) the overall number of women in the Scottish Parliament.

Recommendation 20 - Quota for Committee membership

Following agreement of recommendation 19, the SPPA Committee to propose the introduction of a rule that where parties either elect or appoint more than one member to a committee the party's membership must be mixed.

In our evidence session on the Audit witnesses referenced research evidence which indicated that the public view decision making as more legitimate when it is a gender-balanced decision making body. Emphasis was also placed not only on perception being important but that by having more representative committees can ensure that gender is considered in the design and implementation of legislation and inquiries.

We note this recommendation in the Audit is part of a suite of proposals relating to quotas for committee membership. We see consideration of these further proposals

as an integral part of our inquiry on committee effectiveness. We do consider that, as a minimum, there should be no single sex committees, and this will be the position underpinning our deliberations on committee membership during our inquiry.

The inquiry will provide us with an opportunity for further consideration to be given to the other proposals for quotas for committee membership. We will consider the impact these changes could have on both the perception of the Parliament and delivery of change in relation to future representation and scrutiny of policy issues along with how the rules could operate in practice. The Committee will also consider the role and accountability of the Parliamentary Bureau in the current and any future processes regarding quotas for committee membership.

We intend that any rule changes arising from our inquiry would, subject to the agreement of the Parliament, take effect from the start of Session 7.

Recommendation 21 - A formal quota for PO/DPO

The SPPA Committee to propose the introduction of a formal quota for Presiding Officer/DPOs - at least one man and one woman. This recognises existing experience, and by formalising an existing Scottish Parliament norm, protects and further legitimises this for the future.

The combination of Presiding Officer and deputy Presiding Officers have, since Session 2, met this recommendation. However, the Committee heard concern during our evidence session on the Audit that there was vulnerability in a system build largely on informal agreements. They pointed to the experience in Sweden's Riksdag which had an informal norm of gender balance but recent changes in Government had resulted in a significant drop in women's share of leadership posts. We consider a rule change is required to formalise existing practice.

The Committee will be recommending to the Parliament a Standing Order rule change to give effect to the proposal for a quota for there to be at least one man and one woman in the combination of Presiding Officer and deputy Presiding Officers from the start of the next parliamentary session.

The Committee has explored how this potential rule change would operate in practice, it has discussed the specific issue that if the outcome of the election resulted in the Presiding Officer and first deputy Presiding Officer being both men or both women it would represent a restriction on the choice available to the Parliament for election of the second deputy Presiding Officer.

Standing Orders currently provide a restriction on which members may be eligible for election as the second deputy Presiding Officer if both the Presiding Officer and first deputy Presiding Officer are drawn from the same political party. In such a circumstance any other candidates for the second deputy Presiding Officer who are members of the same political party as the Presiding Officer and first deputy Presiding Officer are not eligible to be candidates in the election. The Committee's recommended rule changes will use the rules currently in place in relation to party balance as a model for a rule change in relation to gender balance.

Recommendation 22 - Proxy Voting

When the trial period of a proxy voting scheme, agreed to by the Parliament is concluded, the SPPA Committee should propose a permanent Standing Order rule to introduce a proxy voting scheme for (i) parental leave; (ii) illness; (iii) caring/bereavement leave; (iv) on same grounds as remote voting.

A proxy voting scheme should recognise that it is (i) up to parents to determine whether they wish to use a proxy vote or to use remote voting when on parental leave, as the former enables them to take leave that more closely resembles the form of parental leave available in other workplaces; and (ii) that it is for the MSP to determine whom the proxy goes to.

The Committee has delivered this recommendation. As set out in my previous correspondence to you the Committee sought to strengthen the provisions around parental leave by placing this along with the other eligibility criteria in the relevant Standing Order rules to ensure it has a more permanent status.

It published its [12th Report, 2023 \(session 6\) Standing Order Rule Changes -Proxy Voting](#) (SP Paper 489). The Parliament agreed Motion S6M-11616 on 20 December 2023 and the permanent proxy voting scheme took effect from 22 December 2023.

Recommendation 24 - Acting SPCB Member

The SPCB/SPPA Committee/Bureau as appropriate in consultation, with party leaders, to agree that MSPs taking parental leave will, on their return to Parliament, be expected to be able to continue in their pre-leave Committee and party leadership posts and that there should be no expectation that MSPs taking parental leave will resign from bodies such as the SPCB. In relation to the SPCB, Standing Orders should be changed to allow for an 'acting' SPCB member along similar lines to the rule change that allowed for acting Conveners.

We consider that elements within this recommendation, regarding those relating to party leadership posts, are outwith the role of this Committee and Standing Orders. We also recognise that Standing Orders already make provision for acting Conveners being absent "for an extended period of maternity leave, paternity leave, parental leave, adoption leave or shared parental leave". We will consider the extension of these provisions to other committee roles as part of our committee effectiveness inquiry.

We have considered the proposal for an acting SPCB member alongside the proposals in recommendation 18 for a quota for membership of SPCB. It is important to ensure any rule changes in relation to the SPCB do not impact on ensuring the SPCB's statutory purpose in overseeing the administration of the Parliament and representing it in legal matters.

The Scotland Act 1998 provides that the SPCB must be comprised of the Presiding Officer and at least four other Members appointed in accordance with Standing Orders. There is no requirement in Standing Orders for party representation to be taken into account in the nomination or election of members of the SPCB. In practice, the membership of the SPCB has normally come from each of the largest parties in the Parliament.

Any changes to the rules regarding membership of the SPCB need to be consistent with the Scotland Act. The Committee will be considering further the terms of the Scotland Act as they relate to membership of the SPCB to inform its position on these relevant Audit recommendations. Once we have completed our consideration we will publish our conclusions.

Recommendation 26 Consideration of complaints

The SPPA committee to consider whether complaints against MSPs related to bullying and harassment should be referred to an independent panel rather than to the SPPA Committee after investigation by the Ethical Standards Commissioner.

During our evidence session on the Audit the Committee explored with witnesses that implementing this recommendation would be a significant change to the current procedures for consideration of complaints. In considering this recommendation, matters that would require to be taken into account would include statutory provisions that govern entitlement to participate in parliamentary proceedings, the status of an independent panel, including whether such a panel would constitute proceeding of the Parliament and whether it would attract the same powers as a parliamentary committee or attract the same protections and responsibilities for the members of that panel as those held by MSPs.

The Committee also notes motions S6M-13365 and S6M-13368 which were agreed by the Parliament following publication of our report on a complaint against Michael Matheson. Motion S6M-13368 included a call on the SPCB “to initiate an independent review of the Parliament’s complaints process to restore integrity and confidence in the Parliament and its procedures.” As an independent review of the Parliament’s complaints processes would be closely linked to the overall process for consideration of complaints, the Committee does not wish to consider this recommendation further until the terms of reference and approach to a review are made publicly available.

I hope this letter provides you with a comprehensive summary of our deliberations. We are conscious as a Committee that the end of the parliamentary session is approaching. As I’ve set out above we are keen to ensure that where rule changes to Standing Orders are proposed by the Committee as a result of the Audit recommendations there is sufficient time for these to be considered and agreed by the Parliament before the end of the session and take effect from the start of Session 7.

I look forward to continuing to work with you on these important matters.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Whitfield', written in a cursive style.

Martin Whitfield MSP
Convener