



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Standards, Procedures and Public Appointments Committee

**Thursday 26 October 2023**

**Session 6**



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Pàrlamaid na h-Alba

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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**17<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Martin Whitfield (South Scotland) (Lab)

**DEPUTY CONVENER**

\*Ivan McKee (Glasgow Provan) (SNP)

**COMMITTEE MEMBERS**

Stephen Kerr (Central Scotland) (Con)

\*Evelyn Tweed (Stirling) (SNP)

Annie Wells (Glasgow) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Karen Adam (Banffshire and Buchan Coast) (SNP)

Professor Sarah Childs (University of Edinburgh)

Susan Duffy (Scottish Parliament)

Professor Meryl Kenny (University of Edinburgh)

Edward Mountain (Highlands and Islands) (Con) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The David Livingstone Room (CR6)



# Scottish Parliament

## Standards, Procedures and Public Appointments Committee

Thursday 26 October 2023

*[The Convener opened the meeting at 09:15]*

### “A Parliament for All: Report of the Parliament’s Gender Sensitive Audit”

**The Convener (Martin Whitfield):** Good morning. I welcome everyone to the 17th meeting in 2023 of the Standards, Procedures and Public Appointments Committee. We have received apologies from two committee members—Stephen Kerr and Annie Wells—and Evelyn Tweed will join us remotely.

I welcome back Edward Mountain in a slightly different role, as he is attending as the Scottish Conservatives’ substitute. Before I turn to the first agenda item, I invite Edward first to grant his hellos back to us and, secondly, to put on the record any declaration of registered interests.

**Edward Mountain (Highlands and Islands (Con):** Thank you, convener. I am delighted to be back on the committee, which is one that I have always enjoyed immensely. I hope that, at the end of this meeting, you will still be able to say that you enjoyed having me.

I have no interests that are relevant to the meeting to declare, but I remind members that I have in the register of members’ interests an entry that says that I own property, am part of a family farming partnership and have a wild fishery on the river Spey.

**The Convener:** Agenda item 1 is “A Parliament for All: Report of the Parliament’s Gender Sensitive Audit”, on publication of which the Presiding Officer wrote to the committee on 2 March 2023 to highlight a number of the report’s recommendations for the committee to consider. The committee considered the recommendations in private discussions at meetings on 9 March 2023 and 1 June 2023. The committee agreed that it would take oral evidence on the report from external experts and officials. A chamber debate on the report was held on 15 June 2023. Today’s session is to take oral evidence from experts.

I welcome to the committee Professor Sarah Childs and Professor Meryl Kenny, who are professors of gender and politics at the University of Edinburgh, and Susan Duffy, who is the head of engagement and communications at the Scottish

Parliament. I also welcome Karen Adam MSP, who is a member of the Equalities, Human Rights and Civil Justice Committee and has an interest in the matter. She is attending to listen and to inquire later about the evidence that she hears, should she need to do so.

I come to Susan Duffy first, for an introduction and a synopsis of what we are likely to explore today.

**Susan Duffy (Scottish Parliament):** Thank you very much, convener, and thank you for inviting us to give evidence today. I am the official in the Parliament who has been leading on this work. Professors Childs and Kenny not only are acknowledged experts in the field but provided invaluable advice as part of the cross-party board, on which Karen Adam also sat and which the Presiding Officer chaired, which put forward the recommendations arising from the gender-sensitive audit.

To give a wee bit of context, I note that the concept of gender-sensitive parliaments has been around since the early 2000s and is now seen as an international democratic standard. At its most basic, it means having a parliament in which equality exists between men and women in representation and participation and where the needs of both men and women are mainstreamed throughout the organisation.

The first step in seeing how gender sensitive a parliament is is to conduct a gender-sensitive audit. Dr Fiona McKay, then of the Robert Gordon University and now of the University of Strathclyde, carried out that audit for us by gathering lots of quantitative data and qualitative evidence by speaking to officials and to women MSPs past and present. The audit was overseen by a board that the Presiding Officer chaired and that included representatives from each political party and a number of external experts.

Among the main findings of the audit were that there have been fluctuations over time in the number of women in leadership and decision-making roles; that the balance of men and women on committees has not always reflected the balance across the Parliament; and that there is a gendered aspect to membership, which goes back to 1999. More equal representation across all committees can help with mainstreaming gender-sensitive scrutiny. More work needs to be done to ensure that that kind of scrutiny is properly embedded.

Other findings included that women were less likely to intervene in chamber debates. Not only that, but men were more likely to have their interventions accepted. Women MSPs said that they still encountered sexism in what was said to them and how they were perceived. Finally, there

were mixed attitudes to how family friendly or life friendly—if we want to use that term—the Parliament is. Sitting times, in particular, were mentioned.

The Presiding Officer was clear when she launched the report that she does not want it to be one that just gathers dust on the shelf. Rather, she wants it and the recommendations to be a catalyst for lasting change.

The report made a package of 34 recommendations, which are all interlinked. Together, they are designed to bring about change. We have already taken forward a number of the recommendations. For example, the Presiding Officer has set up a women's forum, and the first meeting of the gender sensitive audit advisory group, which will oversee implementation of the recommendations, took place just before the recess. The Conveners Group has agreed to include gender-sensitive scrutiny in its strategic work on participation, diversity and inclusion—officials are currently drafting guidance on that—and work is being taken forward to collect all the data that we will need. Obviously, the rule change recommendations that the committee is considering are an integral part of that work.

Finally, there was something that the committee said in its report on the Parliament's procedures and processes post-pandemic that struck a chord with me. The committee said in that report that we need to be mindful of the kind of institution that the Parliament wants to be in 10 years' time. That is exactly what the gender-sensitive audit work is trying to do.

Twenty-five years on, how have we lived up to the aspirations for the Parliament? In this parliamentary session, we have the highest number of women yet elected. As the report says, that is definitely something to be celebrated. However, the report also notes that it was not until the election in 2021 that any women of colour were elected to the Parliament and we had our first permanent wheelchair user.

The report is also clear that this is not just about representation; it is also about equal participation. Why is that ultimately important? It is important because having a gender-sensitive Scottish Parliament means that the Parliament looks more like the people whom it represents, and having different perspectives enhances the decisions that are made.

We are very happy to take questions.

**The Convener:** Thank you very much.

I will go first to Evelyn Tweed, who has a series of questions. As usual, the convener's plea at this stage is that not everyone need answer all the

questions. However, if you have something to contribute, please feel free to do so.

**Evelyn Tweed (Stirling) (SNP):** Good morning. I very much welcome the work and Susan Duffy's comments. It is important that, as a Parliament, we really get into the issue and really make a difference for the future.

How do the recommendations that have been made from the audit compare with those in other nations? Are we going far enough? Those questions are for anyone who wants to come in.

**Susan Duffy:** I will pass to my learned companions on the international comparators.

**Professor Meryl Kenny (University of Edinburgh):** The subject is gaining increasing international attention. In particular, my colleague Professor Childs can speak to the Inter-Parliamentary Union having signalled, in its recent Kigali declaration, the importance of formal rule change, because depending on informal practice and ways of working has not resulted in the kinds of changes in representation in committees and committee leadership that are crucial in parliamentary work.

There are certainly examples from around the world in which recommendations on committee membership and leadership have been considered and, in some cases, implemented already. I am speaking of countries including Andorra, Belgium and Montenegro. Recommendations have been made in Canada, and international organisations such as the Inter-Parliamentary Union have implemented such mechanisms and rules in their own composition, as have other devolved Parliaments in Spain and elsewhere, which have implemented gender action plans that are based on gender-sensitive audits like the one that we are discussing.

We also see, comparatively, what happens when rules are not in place. A notable comparator example is Sweden, which has always had an informal norm of gender equality and a gender balance of around 40:60 in most committees. However, recent changes in Government there have made clear the vulnerability of such an informal approach. Women's share of leadership posts in committees has dropped significantly, to less than 30 per cent overall, and only one of the 16 posts that are appointed by the governing majority is held by a woman. That is the lowest number since the 1990s. That points to the need for an increasing shift towards formal rule change in many parliaments.

**Evelyn Tweed:** Thank you for that, Professor Kenny—

**The Convener:** I apologise, Evelyn—Professor Childs would like to come in as well.

**Professor Sarah Childs (University of Edinburgh):** I will just add that it is interesting that, over the past 20 years or so, among various international organisations such as the IPU, the Commonwealth Parliamentary Association and the Organization for Security and Co-operation in Europe, there has been increased emphasis on the idea that, if parliaments do not take institutional responsibility for bringing about changes that deliver equality in participation and leadership, changes that rely on cultural change are not only much more vulnerable, as Professor Kenny said, but do not deliver enough.

In comparing the CPA's international standard back in 2001 with the Kigali declaration of 2022, which identifies 10 actions for the next 10 years, we see emphasis on institutional responsibility for thinking through and programming interventions that will deliver outcomes, not just aspirations. That change of emphasis is also very important as more parliaments undergo audits and then identify recommendations and action plans to deliver on those.

**The Convener:** Evelyn—back to you.

**Evelyn Tweed:** Thanks, convener.

To what extent can an institution that is designed without the embedding of gender sensitivity be sufficiently changed by reform as opposed to more radical redesign? How easy is this going to be? I can see that I have asked an interesting question. [*Laughter.*]

**Susan Duffy:** First, the fact that we, as an institution, carried out the gender-sensitive audit, that it was taken forward and led by the Presiding Officer and that we had a board that was made up of representatives of all the parties showed that there was willingness across the institution to look at the issue and see whether we could do something. However, as the Presiding Officer has said, we have delivered the report but the hard bit now is to implement all the changes.

You asked about what happens when changes are not made. Just one example that comes to mind is that, at the beginning of session 5, all members of the Scottish Parliamentary Corporate Body and the Parliamentary Bureau were male. As a result, the then Presiding Officer wrote to your predecessor committee, looking for some kind of rule change to prevent that from happening again. So, to echo what Professors Kenny and Childs have said, if there is an informal approach, sometimes the situation can slip back just through its not being something that people have thought about.

**Professor Childs:** I can add a few points. It is clear that, wherever parliaments have undertaken audits, monitoring is needed and people need to be held to account. Institutional leadership, both

political and administrative, is important. It matters that speakers or presiding officers play a key role and bring resources.

Another interesting aspect of parliaments is that rarely is there a single person, or a single switch that can just be flicked, that means that change comes about. That is why the institution, as an institution, needs to take ownership. Different bodies—different actors—will be held to account for different recommendations. That is why it is important that the Scottish Parliament holds individual actors such as yourselves to account for recommendations.

It is also about having cross-party support and, which is very important, critical male allies to do some of the work—to step up to the plate, to use a masculinised metaphor. However, really and truly, it is about commitment and delivery.

One of the other overriding recommendations of Kigali is that you need to audit more than once. You do not do an audit report, put the report on the shelf and then say, “We’ve done gender-sensitive Parliament.” It is a process that requires monitoring and accountability, then redevelopment and refinement of reform. It is not a single opportunity to effect change but a process that can become stronger over time.

09:30

**Evelyn Tweed:** With regard to implementation, women are in a slightly different situation because they tend to have caring responsibilities and other things that they need to do. How are we going to support them if we are going to ask them to join committees and take on some of the bigger roles that we have talked about? How can their needs be identified?

**Susan Duffy:** I would start—because the points that you make are relevant and valid—by saying that that is why the report made a package of recommendations and why they are all interlinked. We cannot have one set of rule changes without other sets of rule changes. There was a lot in the report about the impact of caring responsibilities on women, in particular—but also on men—and the pressures that are put on MSPs, given sitting patterns and all the events and other things that you have to deal with outwith parliamentary business. That is why there are also recommendations about looking at, for example, the impact of sitting times on men and women and on staff.

The other thing that I would say is about considering the issue of not wanting for women the unintended consequence of their having more work to do because we are looking to ensure that women are represented across all committees. That is why the report gave a number of options to

consider. It was recognised in the report that, although the aspiration might be for 50:50 representation, we do not have a 50:50 split in the Parliament. Therefore, the report said that we could look at aligning minimum percentages with the percentage of women in the Parliament—which could be set at 40 per cent—or with the percentage of women who are available to be on committees, which would mean taking out of the calculation party leaders, cabinet secretaries, ministers, Presiding Officers and Deputy Presiding Officers. At the moment, that percentage is about 24 per cent.

**Evelyn Tweed:** I will move on slightly but will stay with implementation. When Karen Adam MSP spoke about the audit in the Parliament, she talked eloquently about being on an all-women shortlist, which, in her words, led many people to dismiss her as having “skipped the queue”. What work do we need to do on quotas—or whatever terminology you want to use—to dispel such views?

**Susan Duffy:** If it is okay, I will pass that question to my colleagues. I will say that we recognised in the report the role that parties play but that there is only so much that we can do in a parliamentary report in terms of making recommendations regarding parties. However, the report contains a recommendation that, if it so chooses, the Equalities, Human Rights and Civil Justice Committee could take evidence from parties and those who are in charge of selection procedures so that they could account for their selection processes.

**Professor Kenny:** As Susan Duffy outlined, the report makes the links between recruitment to Parliament and what happens when people are here, and it talks about understanding those links and being able to track evidence.

On the wider studies around quotas, there is established precedent, as Susan Duffy outlined, with regard to considering gender in various bodies, parties, the Cabinet and so on here and around the world. The research on gender quotas indicates that there is no difference in the quality of candidates; indeed, women candidates are often more qualified than their male counterparts, given the obstacles that they have had to face in order to be selected and elected.

Some of that also relates to material in the report and recommendations on public communication, who is an MSP and what the job is about. It also relates to busting some of the myths on the basis of robust evidence and busting some of the assumptions that mean that male politicians might be naturally assumed to possess merit while women or other underrepresented groups continually need to prove theirs.

**The Convener:** Evelyn, do you have any other questions?

**Evelyn Tweed:** I have just one more question, convener, which is on the recommendations. Recommendation 26 is that the SPPA Committee consider

“whether complaints against MSPs related to bullying and harassment should be referred to an independent panel rather than to the SPPA Committee”.

What is the reasoning for that?

**Susan Duffy:** I would like to say up front that the reason for including that recommendation was not that there was any comment whatever on the SPPA Committee. It was just that, when we looked at what is being done internationally, we found that there was a move towards those types of complaints being dealt with independently. That is happening even within the United Kingdom. I think that I am right in remembering that the Scottish Government now deals with behavioural complaints against ministers independently. The House of Commons and the House of Lords do that as well. We also have the Standards Commission for Scotland, which is an independent body that considers complaints against councillors. The proposal was just put out there for the committee to consider.

**The Convener:** Edward Mountain, do you have any questions?

**Edward Mountain:** Because of that last question, I will deal with my questions in a different way from what I intended. All my questions will be on the recommendations that are relevant to the committee.

I struggled with the recommendation on bullying and harassment, and I thought long and hard about the right way to address the matter. I understand why complaints relating to bullying and harassment might be investigated by an outside body, but, in my experience, the committee is fairly robust in how it deals with its colleagues who breach rules. In fact, it is probably more robust than some other people might be who are not directly involved, because committee members have bought into the Parliament and are part of it. Do the witnesses not think, therefore, that it might be better to give the investigation to the third party but allow the outcome of the investigation to be decided by a group of fellow MSPs—the peers of the person against whom the complaint has been made?

**Susan Duffy:** Those types of complaints are already investigated independently by the Commissioner for Ethical Standards in Public Life in Scotland. As I said, that recommendation was included in the report for the committee to consider rather than because it had been the subject of a great deal of debate by the board.



I know that the Scottish Government has considered the issue, as have the House of Commons and the House of Lords. The journey at Westminster was that the Committee on Standards would look at these complaints. It used to be made up differently, because it had some independent members, but that was then changed and it is now an independent panel of relevantly qualified people—King’s counsels, employment experts and so on—who determine these cases.

That is obviously something for the committee to debate. In the previous parliamentary session, when the Parliament was bringing in new rules around dealing with sexual harassment, this committee had a discussion and decided not to go down that route at that point. The recommendation is there just to put the matter on the table again, to stimulate discussion.

**Edward Mountain:** Okay. What you have put forward has not convinced me that that is the right way to go, as you have said that the recommendation is there just as a matter for discussion.

Convener, you know my views on proxy voting, because I was on the committee when it was discussed. It is the most excellent thing that we have brought in, and it is important that we continue it. I will just comment that it is important to increase access to it for parental leave, bereavement and illness. I struggle to imagine an MSP voting against that, because we never know what is around the corner.

I agree on the data collection point.

I will turn to the issue of quotas, which is where I have some issues. Susan Duffy, do you agree that, when you select somebody to do a job, it does not matter where they come from or whether they are male or female and that the most important thing is to get the best person to do that job?

**Susan Duffy:** Yes, I agree with that.

**Edward Mountain:** On quotas, you might be drifting away from that approach. As a Parliament, we cannot direct how parties select their candidates—that is outwith parliamentary control. It might be that a party’s selection and then election process—even if there was a 50:50 candidate split—could result in a party having one more male than female, or the other way round. You cannot direct quotas, because you cannot direct the election. Therefore, I do not understand how you feel that you can implement a quota system. How do you implement it?

**Susan Duffy:** That is why our recommendations for committee membership include a number of options. As I said, you could link the minimum percentage of women on committees to the

percentage of women who have been elected—because you must take account of the numbers that you actually have in the Parliament. You could set the minimum at a percentage, such as 40 per cent, or at a percentage of the women who would be available to serve on committees. Again, those options recognise the number of women who are already in the Parliament, because, for example, if you align it with the percentage of women who have been elected or the percentage who are available to serve on committees, that will always be linked to who has been elected.

I absolutely agree that we always have to have the best person for the job, but that assumes that people do not have to deal with structural inequalities. Often, we have seen that women are underrepresented, whether in Parliament or in other walks of life, not necessarily because they are not the best person for the job but because they have to contend with structural inequalities.

**Edward Mountain:** I have one follow-up question. Let us say, for example, that a party is going to elect two people to one of the committees. Let us make this interesting in the sense that I can relate to it and take the Rural Affairs and Islands Committee as an example. Let us say that it was my party and that there were two farmers who desperately wanted to be on that committee but they both happened to be male. Under the rules, one of them could be excluded, yet they would undoubtedly be the best person for the job.

I agree that, if you want to go back and change things to ensure that there are more women farmers—women in agriculture are really important—that is a good start, but that is not where we are at. Therefore, you would say to me, “Edward, you are a man. You can’t be on that committee although you have been farming for 40 years.” How would that make me feel, as an MSP in this Parliament? I think that it would make me feel undervalued. Do you not agree, Susan?

**Susan Duffy:** When we put the report forward, we recognised that there will be difficulties. It is already in standing orders that, when the Parliamentary Bureau is putting forward membership for committees, it will take people’s preferences into account. That is definitely an issue. As you say, Edward, there might be some sectors that are gendered, and we cannot reverse engineer that. However, what I would put back to you is: if we think that it is unacceptable to have all-male committees—we still have an all-male committee—what do we do to address that?

**Edward Mountain:** I totally agree with that. However, if, despite my preference, I am excluded because of quotas, that is wrong.

As a committee convener, I do a huge amount of work with clerks to ensure that I do not have an all-male panel or an all-female panel. I ensure that there is balance. Setting quotas prevents that, and it worries me that the best person for the job would be prevented from doing it. I do not care whether they are male or female; I want the best person for the job.

09:45

**Professor Kenny:** The findings of the gender-sensitive audit show that there have been persistent patterns, across all sessions, of men being overrepresented in mandatory committees, for example, and of women being concentrated in committees such as the Equalities, Human Rights and Civil Justice Committee. Are you arguing that, over 25 years, women have been less qualified to be on all those committees? That is the reverse of your argument—we should always reverse arguments.

Also, tying back into what Susan Duffy mentioned earlier about the discussions with the Conveners Group about gender sensitive scrutiny, the argument is that every policy area affects men and women, and different groups of men and women within that, because of their different needs and experiences. Committees are important representative sites in Parliament. Representative committees are needed to ensure that gender is considered in the design and implementation of laws, policies, programmes and budgets and so on, and in what changes as a result of those.

In relation to the Parliament's wider representative role, research evidence indicates that ordinary citizens—both men and women—strongly prefer gender-balanced decision-making bodies. They view decision making as more legitimate when women are present—and not just as witnesses, but in the composition of committees.

**Professor Childs:** Rather naughtily, I also want to bring the conversation back to bullying and harassment and the independent panel, because questions of legitimacy and accountability, audience perception and what the people think of the Parliament also matter.

Edward Mountain gave a very individual account of going through a process, but this is also about those on the outside looking in and seeing a committee that may be made up only of men making a decision. Very recently, there was an example in the Australian Capital Territory whereby an all-male health committee realised that it was doing an inquiry on women's health and reproduction and it had to co-opt women. The point is about scrutiny, but it is also about how the legitimacy and accountability of the parliamentary

committees are perceived—not just by members, but also by those whom they represent.

That is also true in relation to bullying and harassment, because staff need confidence in the process. It does not need to be a question of the capabilities, or otherwise, of any committee that is doing the hearing; rather, it can be about what institutional reputation will be associated with certain kinds of processes and practices.

Staff and the public need confidence that parliamentary committees are doing the best work that they can, and it is compelling when we have a diversity of perspectives in a room and not just a very homogeneous group discussing issues.

**Edward Mountain:** Thank you. I have heard the arguments, and I am sure that we will discuss them later.

**The Convener:** We will. Thank you very much, Edward.

**Ivan McKee (Glasgow Provan) (SNP):** Thanks for coming in this morning, and thanks very much for the report. It is very interesting. I particularly like the focus on data. It is good to see the analysis that has been done and the recommendations for future work on data to continue to give us visibility of what happens in reality, because it is often difficult to get a sense of that when you are in the thick of it.

The data on interventions was also particularly interesting. If we drill down into that, not only does it show that men are more likely to have their interventions accepted, but it actually shows—I am not quite sure what to make of this—that women are more likely to accept interventions from men than men are. That is really interesting. I do not know whether witnesses want to comment on that, but there is probably quite a bit that needs to be dug through.

The area that I want to focus on is implementation and some of the aspects around that. There are some complexities in there. I want to hear reflections on the way that the Parliament actually operates rather than reflections on the way that we think that it operates in theory or on the way that other parliaments, more generically, tend to operate.

The issue about the relationship between the Parliament and the parties was raised. There is a fundamental point there that we need to be careful about, because, if we strengthened the position of the Parliament in telling parties how to operate, we would butt up against some fundamental democratic principles. That is not necessarily a road that I want to go down. We need to be conscious of that issue.

You have looked at the numbers on a wide range of aspects, including committee

membership, and we have talked about the Presiding Officer, the Deputy Presiding Officers and some other functions such as those of the parliamentary bodies and so on, but in all those areas the membership is decided through different processes—some processes involve elections and other involve the party deciding.

On Susan Duffy's comment about the bureau deciding the best member, in reality, the party whips decide who is on the committees, not the bureau, and we need to be aware of that. There a number of things in there that we need to unpick.

I will give an example of possible unintended consequences. You talked about committee membership and what the numbers should be, and you mentioned the overwork aspect, which is absolutely correct, because, if we do not have the right percentage of women in the Parliament as a whole and if we have more women than men in Cabinet and in junior ministerial roles—as, I think, we do at the moment—that percentage gets even more skewed in terms of the remaining workload. We are at a position where, I think, 43 per cent of committee places are occupied by women, which is more than we would have if it was representative of Parliament membership, excluding members who are in a role that prevents them from being on a committee.

Let us envisage a scenario with the Presiding Officer and Deputy Presiding Officers—just follow this through—whereby we had mandated that there could not be 100 per cent of one gender across those three roles. If the Presiding Officer was female and we had two female candidates and one male candidate for Deputy Presiding Officer, the male candidate would get the role automatically, without an election process. That is an unintended consequence. We may be comfortable with that, but we need to understand that that takes away from Parliament the ability to elect who it wants, which is obviously not helpful.

Just to wrap up on this, we are talking about committee membership as though it is—I need to be careful how I phrase this—something someone aspires to. The reality is that there are 140-odd committee places and fewer than 100 eligible members. Everybody is on a committee. Many members are on two committees, and, frankly, it depends on which party you are in, because the governing party has a lot fewer people to spread around the committees. The point is not that people are not getting on to committees but that there are lot of committee spaces that need to be filled.

I am sorry, convener. I will cover all of my points now and then let witnesses speak to them.

My final point is on the proposal to hold a committee place or other place for a member for

when they come back from parental leave. That butts up against reality, because committee memberships change very quickly. For example, I was told yesterday that I am getting moved on to a different committee next week—I am not moving away from this one; I am staying on this one, as far as I know at this point in time. The situation changes extremely quickly, so the idea that you could know what the scenario would be in six months' time is not realistic, given the reality of how the Parliament, the committees and the parties work.

I will leave it there, but there are a lot of issues around implementation. I suppose the question is, have you thought about all those issues or are you just throwing out what you think would be nice in an ideal world and expecting us and others to unpick the reality of how it would work in practice?

**Susan Duffy:** We have thought about this a lot. I think about it an awful lot—probably more than is healthy for me. I will pick up a few of the points that you made. The board has discussed many of those points.

I will start with your final point about committee membership changing quickly. The thinking behind the recommendation was that, if you were to go on a period of parental leave, you would retain any position that you held, whether that was in the Parliament or in your party, which obviously has to be discussed with party leaders. The underlying principle is that, although MSPs are not employees, we tried throughout the process to replicate what rights an employee would have if they took a period of parental leave. For example, if you go off on maternity leave, under law you have the right to come back to a similar role. I totally take the point that committee membership can change rapidly.

The reason that we also mentioned the SPCB and the Parliamentary Bureau is that the membership of those tends to be a bit more static. It also followed on from the rule change that was made during the previous session in relation to conveners. Previously, if someone was a convener and they went off on maternity or parental leave, they had to resign and they lost their position as convener. The rule change was brought in to recognise that someone should not lose their position as convener just because they are going on a period of leave. Someone will come in as acting convener, but the original convener can retain their position.

I appreciate that the situation could be slightly more difficult when it came to committee membership, which would have to be handled through the bureau, but that matter was referred specifically to the Standards, Procedures and Public Appointments Committee because, if we

were to do that for the SPCB, a rule change would be needed.

I am looking to my colleagues as I try to remember all the other points that were made in relation to committee membership.

You are absolutely right that the Parliament cannot tell parties what to do—the report was very cognisant of that—and that is why we did not make recommendations in relation to what parties should do. We also recognise that there are many different actors and decision-making bodies involved in this area. This committee can recommend rule changes, but who gets put on committees is a decision for the Parliamentary Bureau, which is made up of the parties, and those decisions are made through informal discussion.

Over the years, I have observed that, when things are discussed and brought to the fore, that is when people recognise them. For example, at the end of the fourth session of Parliament, there were about 16 committees and only three of them were convened by women. That was remarked upon. At the start of the following session, there were discussions about it and it was very much taken on board. The parties had discussions, following which, as you will notice, the figures show that the number of women conveners increased markedly and has stayed constant.

**Professor Childs:** I am happy to talk a little bit about parties. In Ivan McKee's account, there is perhaps a suggestion that some parties are anti-gender sensitive, but parties can change and aspire to support an institutional commitment to be a better Parliament. The relationship could be one in which parties might begin to think and behave differently when there were formal rules for some positions, and, if there was a culture around that, it would make those in the parties think about it before they filled their slots. The patterns of horizontal segregation in the committees, which Professor Kenny alluded to, are precisely the kind of thing that parties should consider when determining what is going on.

The presumption of return is really significant in reassuring members that they have an equal opportunity to come back to their positions if they take leave. Wording can be found for that, because there may be circumstances in which X is not possible, but I suggest that the Parliament work on that presumption.

**Susan Duffy:** I will just say a final thing in relation to the rule change regarding committee membership. We did not come up with the answers; we wanted to give the committee space to discuss it. We put in a number of options that recognise that it is difficult and that some change might need to be incremental.

**Ivan McKee:** I have a couple of reflections on that. I am absolutely not saying or hinting that there is an issue with parties and their understanding of the issue—quite the opposite, in fact. It comes back to some of the points that were made earlier about whether it is better to have a cultural change or a rule-based change and what the interplay between those is. In some areas, a culture change is needed; the changes cannot be driven through with a rule change, as we have talked about. That is the point that I was making.

One more thing to throw out there is that this stuff is not static in other aspects, which means that we need to be careful where we go. In the specific example about gender balance for committee conveners, if we decide to move to elected conveners—this is something that the committee is thinking about, and the final decision will not be ours, obviously—we are in a different space, which adds another layer of complexity to the issue. We need to think about what might happen in the future.

**Edward Mountain:** I have a small question on committee membership. If, during a session, somebody is asked to step down from a committee to try to get a balance, they can, of course, refuse to do so. I do not have to resign from a committee just because my party wants me to; I have to write to the Presiding Officer and say that I want to resign. You might not be able to achieve this aim without a lot more significant rule changes, and you might be ordering somebody to leave a committee when they have expressed a preference to attend it. Would you feel comfortable with doing that?

10:00

**Susan Duffy:** There are definitely issues when membership changes over time. You are right that the rules say that it is for the member to resign from a committee. It is very difficult to reverse engineer anything like this, so where we are coming from on this issue is that it is about what happens when the parties come together at the beginning of a session. That is when the biggest discussion takes place about who will sit on which committee and, at that point, the parties should be cognisant of the issues. Most of the time, changes to committee membership throughout the session will not involve all the parties changing their membership at once; different parties change their committee membership at different times as a result of reshuffles.

**Edward Mountain:** The only comment that I would make is that I was on this committee at the start of the session and I am now back as a substitute—I am in the fourth group of people from my party who have been on this committee. The

membership will constantly change, and I cannot see how you can force it—that is my problem.

**Susan Duffy:** I will make just one point about that. I mentioned that, back in 2017, there was a rule change to prevent an all-male Parliamentary Bureau and SPCB. Under the way in which that rule is phrased, when the parties discuss who should be on the bureau and when members nominate people for the SPCB, they should have regard to gender balance. In relation to committee membership, we do not even have the point about having regard to gender balance.

**Edward Mountain:** That was for committees with a much bigger structure. In such cases, it might be possible to achieve that with the gender balance that we have in the Parliament, as members are available for that.

**The Convener:** We are joined by Karen Adam MSP. Is there anything that you would like to say, Karen? I think it only right that, having been quoted by Evelyn Tweed earlier, you should have the chance to make a rebuttal or ask further questions.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I really appreciate that, convener. I have been sitting here, thinking about what questions to ask, but instead I feel the need to come in and answer quite a lot of the questions, given that I sat on the board for the audit.

I thank Evelyn Tweed for the shout out. I would like to make the point that it is possible to have cultural change, but we need to lead by example as a Parliament and enforcing some rules helps to shift cultural change in the direction that it needs to go in. When I was a potential candidate and was going through the selection process, I was asked several times how I would juggle my home life and my caring responsibilities. Given that it was an all-female shortlist, there were no men to be asked the same question, but I could see that, in other areas, men were never asked it.

I was also told by several people that my lived experience—my experience of being a single parent with a few children with additional support needs and of being an interpreter for my deaf father—endeared them to the idea of wanting to vote for me to be a candidate. They thought that it was fantastic life experience to bring to the role. At the same time, however, that was juxtaposed with their concern that it might hinder me, time-wise, in that role.

We have to look deeply and see the internal biases that there still are with regard to how we feel women can perform in roles. We should always bear that in mind—and not only with regard to women. Taking an intersectional approach is incredibly important. We should always have the issue at the forefront of our minds, and it is

extremely important that we have—and keep active—those conversations within our parties.

Thank you for your time, convener.

**The Convener:** Professor Kenny, would you like to respond to Karen Adam?

**Professor Kenny:** I echo the importance of the relationship between rule change and cultural change. The two things can help to shape each other, but changes to formal rules and procedures are often necessary to bring out attitudinal and behavioural change. As the report notes, data collection and monitoring are important in tracking changes in culture and in identifying the ways in which you might want to monitor, maintain or adjust rule changes or reforms over time.

**The Convener:** That was excellent.

I am afraid to say that I have some nerdy questions. I am going to plump for this one to begin with, given that, at the minute, the committee is reviewing the proxy voting procedure that has been brought in. I am asking this not so much with regard to the gender-sensitive audit but to allow you to contribute to the evidence that we will consider in due course.

You have suggested that proxy voting be extended on the same grounds as remote voting. Would you like to speak to that? After all, it is a big step on from the trial that we have run. One of our early discussions was about the fact that in this iterative Parliament—to pick up on an earlier comment—we have the ability to vote remotely and it is a choice for the individual MSP. Was there a reason for that suggestion? If I am honest, I am not aware of the reasons for extending proxy voting on the same grounds as remote voting.

**Professor Childs:** I worked on the introduction of proxy voting down at Westminster, which took place before Covid but obviously enabled Westminster to manage when the pandemic arrived. One of the lessons that I do not think Westminster has learned is about being as permissive as possible and leaving things up to individual members. As members are not employees, they do not have precise job descriptions and there is a lot of flexibility in how they do the job. Those who looked internationally at the post-Covid context considered the principle of permitting individual members to organise their work in a way that best suited their way of life and their responsibilities, conditions and needs. In a sense, the issue is about being permissive and thereby opening up opportunities for members in a work environment where the ability to work in a particular kind of way is often valued.

We are almost putting the question the other way round. Why would you not wish to be permissive in how a member works? That would

be the principal way in which that question would be posed.

**The Convener:** So, if the response to that question is that there is a permissive allowance to vote remotely, that meets the requirement.

**Professor Childs:** It might be that remote voting requires you to take a more significant interest in following a particular debate—or to look at particular paperwork—at a time when, for one or other reason, you might not be able to commit to certain participation. For example, when members use proxy voting while on leave after having a baby, it might be that they are not able to watch or follow debates every day and are therefore unable to make a decision, so they entrust their vote to somebody who is engaged with the parliamentary debate and can make a decision. A member with a medical condition who is having some treatment but is able to follow a debate and make a decision might wish to vote remotely. The question is how individuals determine whether the leave of absence that they are taking allows them to continue to participate in some way or whether they are not actually able to engage on a day-to-day basis.

**The Convener:** Should proxy voting exist for those occasions when an individual has to step away from being an MSP for a period of time, be it short, long or otherwise? Remote voting could be used if they still wanted to participate and represent their constituents, even though they were not necessarily in this place at that time.

**Professor Childs:** They would still be representing their constituents under both processes, only in different ways. I still rely on the idea that the system should be permissive. I do not think that I would want such strong rules, because then we would be inquiring of people, “How well are you today?” or “How well will you be tomorrow?” My position is that it is fine as long as the process is clear that we are choosing one or the other.

**The Convener:** That is fine. I am grateful for that response.

The other part—[*Interruption.*] Oh—I see that Evelyn Tweed would like to come back in.

**Evelyn Tweed:** Professor Childs made an interesting point. I agree that we should have a permissive system for this. My worry, though, is that much of the flow of power, and much of how we go about our daily business, happens, say, over a coffee, when people are around in Parliament. How could we take that into account if people were using proxy voting quite a lot? For example, how could we ensure that women were still—if I might put it this way—in the room?

**Professor Childs:** Those sorts of informal communications and the hanging about in spaces in Parliament are absolutely critical, and I would not want to undermine any view on that. However, the electorate ultimately decide on individual members’ capacities and the quality of the representation that they deliver for them. Therefore, although members might miss the presence of a certain individual, or although that individual might miss out on socialising and those kinds of informal activities, again, for a period of their time as an MSP, this decision might be necessary to enable them to continue their work. People might not prefer such an outcome, because they might not want someone to be almost always absent. Ultimately, though, that is a decision for the electorate. If the electorate did not think that a member was fulfilling their responsibilities, it would be up to them to use the ballot box. The position is the same for any MSP, so I would not be creating a new criterion here; it would just be extending things in the same way.

**The Convener:** I suggest that there is perhaps a difference in Scotland between a constituency MSP, whereby an individual choice could be made, and a list member, whereby it is a political party vote that is extended.

**Professor Childs:** Yes.

**The Convener:** Edward Mountain wants to come in.

**Edward Mountain:** I have been through a period when I was desperate for us to have proxy voting, because I could not vote in person. By the end of it, I was concerned that people would not know that I had not been in the Parliament or why I had not been voting, because not everyone reads through the voting lists.

The beauty of our current proxy voting system is that it requires a member to apply for such a vote for a period of time, which is important. I will not be on the committee when it makes this decision, but I think that it is important that a proxy vote be allocated for a certain period. Having a permissive system that would enable us to increase it for other things for a set period of time is, I think, right, because it would give parties and the Parliament a chance to ensure that the person who was proxy voting was being properly mentored—and not only by their party. I have always believed that the Presiding Officer has a role in mentoring members who use a proxy vote for a long period of time. We are a family even though we are divided on some issues.

I just wanted to make that observation, convener.

**The Convener:** We are together for Parliament.

I apologise, but I am going to move on unless anyone else wants to come in. I am conscious of the time, which is the usual hue and cry from our conveners.

One of the aspects that we have explored—we have highlighted the challenge in it—is that the Parliament is just one element in what sits here and what we call democracy. We have party politics and we are all members of political parties. The extent to which Parliament can influence political parties is always challenging. As Ivan McKee pointed out, that should be done very cautiously. Political parties play an important role with regard to the number of members that they return and the relationships that exist within the Parliament. The Government draws its members almost exclusively from elected MSPs. Ivan McKee has hinted at the challenge for the Government: the larger a Government is, the fewer back benchers it has and the harder the situation it is.

We have already considered myriad questions, but the issue is where they interact. I would particularly like to hear our witnesses' comments on a question that Ivan McKee raised and that we did not quite get to the bottom of, which is whether we should look at the reality of how committees are created here. I use the word "committees" in its widest sense. Should we look at how people are appointed to formal roles in the Parliament, or should we look at how people perceive it happens? Which way do we want the rules to go? Do we want the rules to influence how it actually happens? That is perhaps more of a reference to culture, which Karen Adam talked about. Should we create rules so that there is a way of circumventing them to get the decision that works for the Parliament? How do we reconcile that tension with regard to what this committee is being asked to look at?

10:15

**Susan Duffy:** Meryl Kenny made a very good point about how a rule change can influence culture, which is something that the board discussed when we looked at the findings of the audit. It goes back to what was said about 43 per cent of committee places being filled by women. The issue is the gendered aspect of some committees and the fact that it goes all the way back to 1999. The board said that the Parliament had tried to do something about the issue on an informal cultural basis but it had not been able to do that, so it recommended a rule change to try to push that cultural change.

You are absolutely right: we have to take into account the reality of what we are dealing with. For example, I talked earlier about the work that was done on conveners, which was done without

a rule change but with the recognition that there was an issue that had to be resolved. On whether there are ways that things can be written to highlight that people have to take account of the issue, there might be rules that you want to be very firm about, such as, for example, not having single-sex committees. We have never had an all-woman committee, but we have had all-male committees and we still have one.

I do not know whether Meryl Kenny or Sarah Childs wants to come in.

**Professor Childs:** I hope that I speak for Professor Kenny—I do not hold Susan Duffy to this—in saying that, when we are involved in gender-sensitive audits with parliaments, we try to offer minimalist and maximalist perspectives. There could be a rule change that says, "We are going to have a 50:50 split and we are going to ignore the percentage of women in a Parliament," but we try to offer options that might, over time, get parliaments to achieve the aspirations that you talked about. From an academic perspective, a parliament should want to embrace something as simple as having no single-sex or single-gender committees. We think that there are very good empirical and data-led reasons for that, but we also want to put to you more progressive or testing aspirations and possibilities, to get you to think about what might be possible immediately and in the future.

We are trying to put options in front of you, and some formal rule change that rules out the worst-case scenario is the minimum that I would advocate for.

**Professor Kenny:** Picking up on Sarah Childs's and Susan Duffy's comments, is not doing anything enough? We have looked at the horizontal segregation patterns over time and the fact that this is the most representative session of the Parliament in Holyrood's history. The Parliament is getting on for 25 years old; what will it look like in the next 25 years? Is not doing anything at the moment an option?

**The Convener:** To pick up on what Evelyn Tweed said about the need for substantial change, there is incredible value in shifting the culture by shifting the smaller rules of the jigsaw without having to rebuild the entire jigsaw at the same time. In the iterative nature of Parliament, those forward steps, although they may seem small and insignificant in their own right, are part of a pathway to something that, on a significant number of occasions, all members and the Presiding Officers have indicated is the goal that we want to achieve.

That is very useful. You mentioned a number of examples of how we could calculate quotas, whether we call them that or something else. Is

there value in having different ways of assessing the success of different elements of the proposals in the gender audit? I am acutely aware of our discussion about changes in committee membership, which are frequently driven by understandable Government change. The Government has worked extremely hard to always have a gender balance. In relation to how people view things from the outside, a gender-balanced Government is incredibly important.

Is there value in accepting that change is needed—as, I think, we do—but then having different elements of how we achieve that, depending on the question that is in front of us?

**Professor Childs:** Yes.

**The Convener:** Excellent. The idea of 40 per cent, a 50-50 split or whatever is—I do not say this in a derogatory way—slightly arbitrary. We actually need to look at the problem that is in front of us, and our solution might be different for each of the issues of gender balance on committees, the gender balance of conveners and gender balance on various other committees. As long as the solutions are moving us iteratively down the road—obviously, subject to what we actually come up with—that would be welcomed as a step in the right direction for the gender audit.

I see that you agree, which is good.

You may be glad to know that I have come to the end of my slightly nerdy questions. Unless any of you would like to make a short final comment, I will close this part of the meeting. Thank you very much for coming. It has been an incredibly interesting dialogue and discussion. Should the committee have other questions, I hope that you will be open to writing to us to submit your thoughts. As always, the clerks are open to discussions in a two-way format to ensure that the committee has the evidence that it needs to make the best decisions. On behalf of the committee, I thank you for your attendance.

10:21

*Meeting continued in private until 11:21.*



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

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