



OFFICIAL REPORT
AITHISG OIFIGEIL

Finance and Public Administration Committee

Tuesday 18 April 2023

Session 6



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FINANCE AND PUBLIC ADMINISTRATION COMMITTEE
10th Meeting 2023, Session 6

CONVENER

*Kenneth Gibson (Cunninghame North) (SNP)

DEPUTY CONVENER

*Daniel Johnson (Edinburgh Southern) (Lab)

COMMITTEE MEMBERS

*Ross Greer (West Scotland) (Green)

*Douglas Lumsden (North East Scotland) (Con)

*John Mason (Glasgow Shettleston) (SNP)

*Liz Smith (Mid Scotland and Fife) (Con)

*Michelle Thomson (Falkirk East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Diane Owenga (New Zealand Government)

CLERK TO THE COMMITTEE

Joanne McNaughton

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Finance and Public Administration Committee

Tuesday 18 April 2023

[The Convener opened the meeting at 09:00]

Effective Scottish Government Decision Making

The Convener (Kenneth Gibson): Good morning, and welcome to the 10th meeting in 2023 of the Finance and Public Administration Committee. Our first agenda item is a virtual evidence session with Diane Owenga, programme director of the Policy Project at the New Zealand Government's Department of the Prime Minister and Cabinet, to inform our inquiry into effective Scottish Government decision making.

Good evening, Ms Owenga, and welcome to the meeting. I understand that you will provide a short presentation on the New Zealand approach.

Diane Owenga (New Zealand Government): Thank you for inviting me to share the approach that New Zealand has taken. I will share my screen with you and then we can get under way.

That is easier said than done. I am getting a "not responding" message. I will just proceed as though the technology was functioning properly.

The Convener: I will suspend the meeting.

09:01

Meeting suspended.

09:26

On resuming—

The Convener: I am delighted that Diane Owenga is back with us. You had not been—

Diane Owenga: Now I cannot hear you, convener.

The Convener: I am the very handsome and charismatic one. [*Laughter.*]

Diane Owenga: Obviously.

At the moment, the only way that I can see what I am presenting to you is to have it covering most of my screen. I realise that we need to leave time for questions, so I will move on from the policy quality framework. I know that members have copies of the presentation in front of them.

I was talking about the different things that we did. I think that I got as far as point number 4. Number 5 is self-evident. It is:

"Promote awareness and use of Policy Project frameworks, tools and guidance".

We take every opportunity to do that, including through social media, at events and through newsletters and so on. If most people used these elements, we could make some ground, but we still have a way to go to achieve that.

Finally, we monitor our performance. Recently, we had an independent evaluation.

I will go over the two final slides very quickly before we move to questions. On the second-to-last slide, we refer to a range of other online resources for building policy skills and knowledge. We have spent time building resources that people can use. Under the heading, "Policy Methods Toolbox", you can see the range of things that we are doing. Those resources are designed to help people with some of the newer ways of approaching things, such as through design thinking, futures thinking and so on. There are also tools such as "Start Right", that can allow you to do a better job of getting policy projects off to a good start.

On our website, under "Policy Advice Themes", we have some guidance. Recently, we have been doing a lot of work in relation to the interface between policy and the law.

The final slide, entitled "Long-term Insights Briefings", relates to our involvement in policy system change or Government system change. There was a concern that those in the public service, often in response to ministers, were very focused on the short term. When the legislation that became the Public Service Act 2020 was being written—after about 25 years—we were asked whether just having stewardship as a value in the legislation would be enough or whether there should be some requirements to do more. We said that, if we do not make it something that has to be done, the chances are that the short-term stuff will always push out the long-term stuff.

Therefore, chief executives now have a statutory duty to publish a long-term insights briefing in the public arena every three years. They can do that either agency by agency or by clubbing together if they think that there is an important topic of common interest. What is interesting is that the briefings are produced independently of ministers; the public service produces a think piece that is in the public domain, is tabled in Parliament and is discussed by a select committee.

As the slide shows, the briefings need to make available information

“about medium and long-term trends, risks and opportunities that affect or may affect”

New Zealand and New Zealand society. They should include not the short-term stuff but medium and long-term things. The briefings must also provide some impartial analysis. They should set out the things that might be changing—they might be risks or opportunities—and the policy options that exist to deal with the risks or make the most of the opportunities. There is an option to assess the pros and cons or the strengths and weaknesses of the different options.

09:30

The people who provide the briefings are not asked to go so far as to provide advice. It is about getting a debate started on the issues. It is not necessarily about giving advice to the current Government; the real decisions might not be made until after an election or even after two elections.

On the slide, I show the steps that are involved. Another interesting thing is that the public get to be involved in the process at three stages. Early on, when people have done some initial analysis, come up with a key topic relating to health, transport or whatever and have said why that topic is key, the public get to give feedback. After the draft briefing is developed, there is a public consultation on it. The briefing is then given to a minister, who is used solely as a posting box for the briefing to go to Parliament. At the select committee stage there is the possibility for public engagement, too.

The slide also gives a sense of where we are. The first round of briefings was for the 2021 to 2023 period. The 28 Government departments produced briefings on 19 topics, so a few agencies worked together. Varying approaches were used, and we are just starting to assess them. Some briefings were very professionally done, using futures thinking, but some were less strong in that area. Very different approaches were taken to engagement with citizens, too. Seven of the briefings are still to be tabled in Parliament. When they are, we will launch a review of the first round so that we can update the guidance and start the next round.

One of the most exciting things for me is that, since 2001, the public service has done more future-focused work and thinking than it had done over the previous 15 or 20 years. It is quite exciting to see that, but we are still in the early days of thinking about how that will improve things for New Zealanders. It is a long-term process.

I am very happy to answer questions about any aspect of what I have covered.

The Convener: Thank you very much for that introduction. I do not know whether colleagues

heard everything that you said, but we will certainly ask questions and probe.

I will kick off before I invite colleagues around the table to ask questions. I want to go back to the start of the process regarding the Public Service Act 2020, which followed on from another act 32 years previously. Why was it felt that legislation was needed in order to try to change the culture and behaviour in New Zealand?

Diane Owenga: The long-term insights briefing was a very small part of that. I will channel our public service commissioner and tell you what he would say about why we had to change the legislation. He would focus on the fact that the world is moving in ways that require us to have fewer silos. There should be fewer individual agencies operating separately, and there should be more mechanisms that allow us to work flexibly across the usual departmental boundaries. The 2020 act provides more of those mechanisms.

As I mentioned, one issue was the treaty with the Maori, our indigenous people. There was a feeling that there was virtually no reference to that in the previous legislation. There were lots of little areas that needed attention. However, much of what was covered came from the previous legislation.

Individual chief executives of Government agencies still have a strong degree of independence. We do not have a strongly centrally led public service. Our legislation gives a lot of power to the individual heads of Government agencies rather than to the Public Service Commission. Those provisions were, in essence, rolled forward.

The Convener: In your presentation, you touched on the long-term insights briefing, which you said is produced at least once every three years. One of the key points of that is that the public can contribute to future decision making, helping the country to collectively think about and plan for the future. I realise that the act was only passed in 2020, and we have had the pandemic since then, but is there any evidence or are there any signs that that has transpired or is starting to happen?

Diane Owenga: It would probably require a decade to see the whole thing roll through. It takes almost three years to produce a briefing, and the issues that you are talking about are not intended to be decided on by the current Government, or at least largely not; they are intended to be decided on by the next Government. If we were to trace one set of issues, we would see that there has been somewhat more engagement and focus on longer-term issues but that we are not at the point at which there have been decisions. We cannot yet draw the line between what is in an individual

report and what anybody has done. That is not a failure; it is just that it takes time to work through these processes.

The Convener: I notice that there is a head of the policy profession who is responsible for improving the policy system—its capabilities, processes and standards—and helping to improve the outcomes that they contribute to, including higher quality policy advice, better Government decisions and better outcomes for people in New Zealand. Our briefing on the Policy Project goes on to say that

“a sample of policy advice papers is assessed by a panel”.

Do you have an example of how that has worked in practice? How do you ensure objectivity, as opposed to subjectivity, in that process?

Diane Owenga: Everybody is required to use the same measuring stick, which is the policy quality framework. We have guidance for panels, and there is a common approach to selecting the sample. It is a random selection process; we cannot go through them and say, “Here, let’s select these papers”. We assess by asking how well each paper has done on context, analysis, advice and action. There is advice on some of the trickier issues. For example, if a paper had to be written overnight, should we say that it is not a fantastic paper but, given that they had only 24 hours to do it, it is not so bad? To that, we say no, we should not look at such requirements; we should look just at how the paper does on other aspects.

There is, of course, scope for disagreement. We have some work under way at the moment in which we are testing that. We have chosen a couple of papers—one that scored a 3 and one that scored a 4—from every agency, and we have asked a small panel of experienced people who are on other panels to independently score the papers and compare the results. We have found that there is a bit of variability, but it is not significant. In some ways, it is not the absolute score that is the most important thing about it; the important thing is that the agencies see how they have done. A report that comes alongside the score that says what the trend is in the agency’s scores, what they are doing best at and which areas most need development.

The continuous improvement that comes from feeding back that information is more important than the score. The score is still useful, because it is useful for an agency to know that it used to mostly score 4s and that now, for some reason, it is scoring 2.5s. However, to do something about that, it needs to have information about the areas in which it is doing well and, more importantly, those in which it is not doing well, and it then needs to plan to address them.

It is about enabling people to focus on improvement and take it seriously. I have been in this role for six years, and I have noticed that there is a lot more talk about and focus on that. People are saying, “They do really well all the time, so what is it that they do better?”, and the process gives them some signals and information to help them to do better.

The Convener: In effect, the process helps best practice to be inculcated across the entire Government. The interim evaluation that was commissioned in late 2020 touched on a number of points, one of which was the fast-paced change of policy work and the difficulties of changing entrenched behaviours. What kind of entrenched behaviours need to be changed in New Zealand?

Diane Owenga: I referred to engagement, and one of the entrenched behaviours is that policy people in New Zealand—I do not think that they are much different in most other countries—think that they should do a lot of thinking and work independent of the population that is affected by an issue before they go and talk to those people. There is a tendency to think that you become an expert by working inside the system.

We advise policy people to go out and talk to people early. How do people who are affected by the problem see it? What do they think causes it? Policy people are very different; they are not necessarily representative of the whole population and sometimes cannot easily see the things that affect citizens out there who might be much less educated and much poorer and do not live in cities. There needs to be movement on that, although it is slowly happening. Sometimes officials are not so keen on doing that, but sometimes it is because of their political masters, which is another issue.

The Convener: That resonates, because we have some of those issues in Scotland. Our paper says:

“capacity issues and speed of decision making makes prioritisation and following those processes challenging. It also favours decision-making focussed on firefighting rather than addressing longer term challenges and squeezes the time for data analysis and identification of data gaps at the start of policy development.”

How is your new process in New Zealand able to overcome that long-term difficulty, which many Administrations face?

Diane Owenga: That is a tricky question, because citizens expect action from Government, therefore Governments expect quick turnaround of advice from officials so that they can deliver for citizens. That is why we are trying to engender a culture in which a paper without evidence is not a good paper at all. We cannot do that centrally if the information that is needed is very specific to a

topic, agency or sector. What might be good data sets, evidence sources and engagement approaches for the health sector could be very different from the perspective of conservation of natural resources, or whatever.

Again, the average policy person is trained in ways that mean that they have great respect for evidence, but they do not necessarily have time to get it. Their agencies could sometimes do better at making sure that it is easy to get evidence quickly when it is needed. It is not only about individuals changing; it is also about systems changing. To do those things well is resource intensive, so sometimes there is a financial constraint.

The Convener: I will ask only one more question, then I will open out the session to colleagues round the table. On Sunday, a book called "How Westminster Works ... and Why It Doesn't" by a man called Ian Dunt was reviewed in *The Sunday Times*. It was interesting that the review talked about a technique that the civil service at Westminster has called boxing-in. That is a situation in which, allegedly, civil servants give ministers four or five options, all but one of which are completely bonkers, and one of which is sensible, in order to try and channel the minister into taking a particular decision. The article pointed out that Liz Truss broke that technique when she was Prime Minister by always going for one of the mad options. Generally speaking, it is a serious issue, because it means that ministers are corralled in certain directions. Does that take place in New Zealand? Do you have experience of that?

Diane Owenga: No, I have not experienced that, but I will get that book. It sounds intriguing. I have not had a single conversation about using such an approach as a way of managing the process. That approach is strongly counter to the advice that the Policy Project would provide.

09:45

The Convener: I am pleased to hear that.

The first colleague to ask questions will be our deputy convener, Daniel Johnson, to be followed by Michelle Thomson.

Daniel Johnson (Edinburgh Southern) (Lab): One of the typical reactions that you get when you are trying to implement a consistent methodology across an organisation is, "Well, that all makes an awful lot of sense, but our area is special so we don't need to follow it." We see quite often in the public sector that public bodies will try to get around that by presenting their findings or thoughts publicly in line with the methodology while, behind the scenes, they carry on doing what they were doing. To what extent has that been apparent? How much has the approach driven fundamental change in practice, and how much is

it simply about presentation of existing practice? How much resistance has there been to that approach, overall?

Diane Owenga: I was lucky, in that the idea of having a score for policy advice was brought in two or three years before I came on the scene. What I succeeded in doing was getting people to use the same measuring stick. Previously, people were told, "You've got to measure it, but it's up to you to decide what framework you use."

It is true that when we share with agencies the results that show where they all are, all the ones at the lower end will certainly want to talk about the special circumstances that they face. That is fair enough: if I were in their shoes, I would probably do the same. Nonetheless, they have a sense that they would like to be higher up. We do not make a big deal of the league-table approach, but we do take that approach for the agencies' discussions and purposes.

I do not think that agencies just carry on doing what they were doing. Their resources are too small to enable them to run a separate evaluation approach. Random sampling of their papers is done, which means that any of them could be assessed.

We have got some incentives right. For some agencies, the incentives are right and there is compliance. An increasing proportion say that they actually get some benefit. That links back to my earlier comment about continuous improvement. It is not about the score so much as it is about the additional information that we get.

Another reason why people bought into use of the same measuring stick was that we said that we would use a common measuring stick, and that we would collectively create a measuring stick that we all thought was best in class. Everybody who had a measuring stick got to bring it along and explain why their system was good. From that, we created one that was signed off by the whole system as being ours. The process has therefore been a bit more collaborative than some compliance-based systems.

Daniel Johnson: I will move on, thematically. We embarked on our inquiry into Government decision making in a very broad sense by thinking as much about how the Government makes decisions on managing changing day-to-day circumstances as about policy making, which is about what Government wants to do in the future.

It is interesting that when we speak to politicians and officials, they naturally talk only about policy; only when they are prompted or prodded do they talk about delivery. I wonder whether there are comparable approaches to looking at how, once a policy is set, it is implemented and then managed in the steady state. Those things are often as

important, if not more important, than up-front initial analysis and policy for the future.

Diane Owenga: I agree that we want good decisions to be made and implemented well, otherwise we do not get the end benefits that we talk about. The reality is that implementation and who is doing the implementing can be so different in different sectors. Some things are implemented by Government agencies and their delivery arms, but others are implemented by local government or organisations in other sectors, where a process of self-regulation is going on among businesses. It is, therefore, harder to use a common measuring stick.

The approach that the New Zealand Government has taken is to say that things have sometimes fallen over in the past and have not worked nearly as well as we thought they would, so we now have an implementation unit in the Department of the Prime Minister and Cabinet, which includes some of my colleagues. Their job is to select key projects and to keep the focus on implementation.

The other approach that is being taken is to foster more post-implementation evaluation so that we know about the outcomes—whether they did not work out as was expected at the policy stage, why not and what can be done about it. Again, that is a continuous improvement model. That is still an area in which we do not do well, but I have yet to hear of a Government that does really well in that area.

Politicians want their decisions to be made, but they might not be around for implementation, and if something has not gone so well they are not necessarily keen to get it all out there. There are a few reasons why implementation is not a strength in any country that I have come across.

Daniel Johnson: That is interesting. One of the things that probably strikes most of us as interesting is the move by the New Zealand Cabinet to publish all of its Cabinet and Cabinet sub-committee papers in public within 30 days. That is quite a striking contrast with how things are done in Scotland and Westminster, where there are 30-year rules and things do not emerge until decades after the discussion. To what extent has that made a difference?

We have also seen that when transparency measures are brought in, the Administration and ministers essentially do everything that they can to avoid channels on which they might be recorded. It is the rise of government via WhatsApp. Have transparency measures improved things, or have things been pushed into the shadows?

Diane Owenga: I am not in a good position to know that because we focus on the policy process and policy capability, and not on policy content.

Our job is not to give advice on health policy or whatever, so I do not see discussions and do not know the difference between the discussions and what gets published.

It might help that we transitioned from using an official secrets act to using quite strong official information legislation quite a long time ago, so this is just a last step in what was already happening. The only stuff that could be withheld was stuff that was the subject of free and frank advice, in the sense that a decision-making process was still under way and, in principle, as soon as that was finished the information had to be given anyway, if someone asked for it. Now, instead of waiting for someone to ask, it goes up on a website. That is not a big difference for us, although it is another step.

I have not noticed a lot of talk about that among officials here in New Zealand. I do not think that it has been such a big deal. If there was a really big issue, we would probably be saying to the minister that there is a clause that they can apply so that they do not have to release proactively. There is still a backstop.

Daniel Johnson: Thank you very much. That is very helpful. I will hand over, at that point.

Michelle Thomson (Falkirk East) (SNP): Good evening. Thank you for joining us at a time that must be very late in your day.

I am thinking about the similarities between Scotland and New Zealand. I often say that the best thing about Scotland is that everybody knows everybody, and the worst thing about it is that everybody knows everybody. We tend to find that we bring in similar representatives and panels, so we work very hard to try to get different people. Sometimes, that is hard because of the size of the pool. Is there a similar issue in New Zealand? If so, to what extent have you considered how that affects effective decision making and quality of delivery?

Diane Owenga: Can I ask a clarifying question? What do you mean by “panels” or “the pool”?

Michelle Thomson: I am referring to the pool of people whom we consult for external evidence.

Diane Owenga: Okay. That is an issue here, too. New Zealand is also a small country, although we have quite a big land area and the population is quite spread out. There are people whom you will hear from whether or not you want to, who will always be there to tell you what they think, there are some people whom you can find with a little bit of effort if you go to them rather than requiring them to come to you, and there are people who are really hard to reach.

In my role, the only thing that I have been able to do about that issue is develop guidance that

sets out techniques that can be used for inclusive engagement that does not just involve the same old candidates. The guidance pulls those together and helps people to understand which Government agencies can reach into communities. For us, that might be our Māorian Pacific islands communities, or it could be our disabled communities and so forth. We have agencies with responsibilities, networks and skills in those areas. It is a matter of getting people to use them more.

Michelle Thomson: Following on from that, I note that you have a policy methods toolbox that describes how to use behavioural insights. Will you tell us a bit more about that? What training do people go through? I am particularly interested in how you avoid groupthink and the adverse influence of power structures, where the inclination is always to accede to the person in the level above you in the hierarchy. How embedded are those behavioural insights, and how well trained and kept up to speed are the people who use them?

Diane Owenga: New Zealand is probably less resourced and is coming later to the party than some other countries. I know that, in the United Kingdom, back in the Blair Government times, there was a behavioural insights unit inside 10 Downing Street. People were writing books about that. There was more focus on the matter, and people with a range of backgrounds, from psychology to behavioural economics and so forth, were involved.

We have a small subset of people who call themselves behavioural insight specialists or the equivalent. The reason why we have such stuff on our website is that almost everything that Government does is to do with behaviour change. It all comes down to what people do; we are trying to influence them in various ways. It is probably good to look through that lens at the matter and to get people thinking about what the behaviour is. Another aspect is how difficult behavioural change is for a variety of reasons, which include power structures, as you pointed out.

The approach is to try to get people to observe it all and to ask what we can learn. That is about using some of the least heavy hammers. I tend to think about behavioural change being something that we do through laws and regulations, by stating what a person can and cannot do and setting out what will happen to them, if they do that. We might also use financial methods—that is, subsidising what we like or taxing what we do not like.

There is a whole lot of stuff that can be done—subtle things to change the choice context, which officials have often not thought enough about.

10:00

For example, officials might say that the problem is that people are not paying their fines. However, it turns out that by couching reminder letters about fines being due in better language, sending them in better time and so on, you can influence behaviour in subtle ways. We have been trying to get people to at least apply that lens more, but there is hard stuff to change—especially the power structures.

Michelle Thomson: That leads on to my last question about culture. Culture is a kind of summing up of a whole bunch of behaviours. When you were developing your methodology in 2020, did you step back and actively look at the culture of how you deliver change? Did you compare it with other countries? What findings remain constant a few years down the track?

Diane Owenga: We were interested in what other countries were doing. At that particular point, ministers were not saying, “We want a lot more futures thinking”. It was not a particular priority for them. Therefore, we were constrained by the things that we could do within the ambit of the public service.

Some countries have a commissioner for future generations or an equivalent post. Wales—you are not so far away from that part of the world—has the Future Generations Commissioner for Wales and planning is required of every level of government and every sector and social organisation. They all need to ask, “What would this mean for future generations?”.

We did not have a political appetite for that, so it was necessary to say to the minister that that was something that the public service could be doing. We were constrained by what we could get agreement to at that time, which is why we took that initiative.

There are some interesting things being done in some parts of Europe that involve parliaments more. We have involved Parliament in relation to the select committee process, but that is still playing out. It is still a new thing and I have not been able to focus too much on it; I have not been to any hearings yet, for example.

It is really interesting that every country has done something quite different. That is probably to do with the context in each country at that point in time.

Michelle Thomson: Thank you.

John Mason (Glasgow Shettleston) (SNP): In relation to long-term planning and thinking, I am intrigued that public servants—we would call them civil servants here—are producing briefings independent of ministers. I am interested in the relationship between ministers and public

servants, because we see that as a very close relationship. Here, civil servants would not really say anything that was not in line with the minister. How is that relationship different in New Zealand?

Diane Owenga: It is only in this area that the relationship is different and is a departure from normal practice. All the rest is just as you described. Essentially, it is ministers who talk to the media and set political priorities. Officials help them to figure out the best way to achieve those priorities.

However, the decision was taken to do things differently, which was about trying to get things to be a bit bipartisan. It was about saying that we serve not only this Government but future Governments, which might well be the Governments that have to make decisions about these things. That is why we decided on having that feature. This and only this is done independently of ministers. Ministers do not dictate which topic is chosen or whether it is worked on jointly with other agencies. They do not proofread the briefings. They are given a copy to give to Parliament; they are not given a draft copy and asked whether they would like to change anything. That was new territory.

I guess that we set the rules. Ministers were briefed soon after the legislation was passed—we provided a briefing that said, “Here’s what these things are, here’s what’s different about them; it is a different role than exists with regard to all the other things that come through.” I waited with bated breath to see what would happen when we got to the point when the briefings were being given to ministers but, to my knowledge, there have not been any issues.

There has been consistent messaging from the Prime Minister that ministers should not interfere with briefings, and they have not—although I suspect that one or two of them might have wanted to. The message that officials were given by our head of department was that, if that sort of pressure was starting to happen, they should notify him and he would talk to the Prime Minister, which it was hoped resolve the situation. However, to my knowledge, that has not been necessary.

John Mason: Thanks. That is helpful. I think that you said earlier that the civil servants would not actually give advice but would lay out the options and it would then be for the minister and/or Parliament to choose. Is that how it works?

Diane Owenga: Yes—exactly. That also takes the heat off a bit.

John Mason: Yes, I get that.

On another point, you were asked earlier why the changes in the 2020 act were made. If I understand it correctly, one of the reasons was

that there was too much silo working, which is something that we also have a big issue with. I realise that it is early days, but are there signs that there is less silo working and more working across Government?

Diane Owenga: Some of the new mechanisms that the legislation enables—to be honest, I have not focused on them strongly, so I cannot give you specifics—have been set up to allow for working in that way. A recent example involves the biggest cyclone that we have ever had, which created havoc in about a third of the country. One of the vehicles in the legislation has been used to address that, so it is a mechanism that ties up with financial appropriations. For example, we can move some funding from, say, three agencies, through the board, which can then collectively do whatever it needs to do—

The Convener: I will have to suspend the session as we have lost the connection. I apologise, John.

10:07

Meeting suspended.

10:11

On resuming—

The Convener: I am sorry, Diane. You were cut off in mid-flow.

Diane Owenga: Can you hear me?

The Convener: Yes, we can. I apologise. I think that you were cut off when you were responding to John Mason.

We were hoping that the evidence session would only go on until 10.10, but three members have yet to speak and we have lost more than 20 minutes because of interruptions. Would it be possible to extend our session a wee bit?

Diane Owenga: That is fine. I would be happy to do that.

The Convener: That is great. Thank you.

Diane Owenga: I got those dreaded words “network connectivity issues” on my screen.

The Convener: Okay. John Mason, can you remind us what you were asking about?

John Mason: I was asking about silos and whether that situation had improved. Diane, I was not sure whether you had finished answering that question.

Diane Owenga: We have more mechanisms for working jointly and effectively across silos. That is going well on priority issues—those issues that have a lot of focus. However, it is another of those

areas of entrenched behaviour. It is challenging to get people to change what they have been doing, sometimes for decades.

John Mason: We can identify with that here.

Finally, how much priority do the long-term insights briefings, and similar work, get among public servants and ministers? Are they tucked in at the end of the day because they have to be done or are they a priority?

Diane Owenga: It varies from agency to agency and minister to minister. There are some ministers who are absolutely insistent on every ounce of resource going on their priorities. That is why we made the briefings compulsory in the legislation, so that the chief executive could say, "Look, minister, it says in the act that I have to do this every three years." I do not think that everyone has had to have that pointed out, but it has been helpful in some cases. There is that dimension.

I find that policy people find it to be fascinating work. It is not hard to convince them to try to get better at it. You are right that Covid has had an effect. It had to happen during all the Covid stuff and inevitably some of them are running late because some resources were channelled off to deal with Covid—it was pretty hard to argue that that should not be the priority. It was a fair enough call.

It will always be an issue, but cultural change is important. If the agencies themselves start to see benefits and that they are more on the front foot, and it makes life easier later—because they have done the research and things such as that—we should see more willingness to put more resource in this direction. I am an optimist.

10:15

Ross Greer (West Scotland) (Green): In the interests of time, I will roll a couple of questions into one. I am interested in your point that part of the role of the Future Generations Commissioner for Wales is to foster bipartisanship in order to allow long-term thinking. You got the ball rolling on that agenda under a centre-right Government, but, for most of the time that the role has been bedding in, that has been under a centre-left Government and there might be a change of Government later this year. How durable is that agenda? Can it survive a change of Government? Has it become an established and agreed culture across the political spectrum in New Zealand, or is it ultimately dependent on the desires of a particular Prime Minister or Cabinet?

Secondly, you are trying to break down silos and take a more holistic approach to Government decision making. How well does that work with multiparty Government? I am somewhat familiar

with your situation. It is a kind of multiparty Government, but your two Green ministers are in a bit of a silo, away from the Labour Cabinet. Does the breaking down of silos work when it involves crossing between the responsibilities of ministers who come from different parties and where trust might be more of an issue than it would be between ministers of the same party?

Diane Owenga: Those are good questions. I will deal with the second question first. Actually, no, I will take the first one first.

Our work has not yet been deeply controversial and nothing has yet become a front-page newspaper headline. As one of your colleagues pointed out earlier, we have not gone as far as telling future Governments what to do. We just say, "You should definitely focus on this issue. Here is a number of ways you could do it and here are some of the pros and cons." As soon as one Opposition is frying one Government as a result of this work, it will be at risk at the next election. That has not happened so far.

It is pretty hard to argue against looking into the future, particularly given that Covid has happened. Most Governments could probably have seen something like that coming, but most had not paid much attention to that possibility. At the moment, it does not feel as if our work will be a political football.

The other interesting question is why it was 32 years before the Public Service Act 2020 was reviewed. It is not the sort of thing that is done every decade, as it does not draw a lot of political ire. People like to be seen as future thinking and looking forward—every Government wants to be seen that way. My hunch is that the Policy Project will hang around for at least two or three Governments. I predict that it will only be when the 2020 act is reviewed for some other reason that people will ask whether we should change that too.

By then, there may be a desire to do things differently. There may be a desire at that point to have a commissioner for the future, or something else. I do not think that the solution we have is perfect, or is the best one, but it is the one that was possible at a certain point. From my perspective as the person who was involved in giving advice at the beginning, it is fine if the Policy Project evolves into something else, so long as we, as a country, keep asking what might be coming over the horizon and how we can be prepared for that.

Ross Greer: My second question was about multiparty Government. Your climate minister is a Green colleague of mine. I am aware that he is frustrated by trying to do the required cross-portfolio work on climate, because he sits in

something of a silo compared to colleagues who have responsibility for agriculture or other matters. How does that approach fit with multiparty Government?

Diane Owenga: Because ministers of any party are independent, we are not troubled by those issues. The issues are interesting because they have a lot to do with the size of each party's vote. That is where things are now for the Green Party, with two ministers outside Cabinet, but at the previous election, the Green Party had quite a few more seats, and it had ministers in Cabinet as well as outside Cabinet. As you know, these things keep changing.

I hope that the people in the public service will see the key issues. In this case, work on climate change was already actively under way in the Government, because of James Shaw's energy and commitment, and that of his colleagues, as well as the fact that the Prime Minister at that point—who is no longer the Prime Minister—thought that the issue was very important.

Actually, there is no long-term insights briefing on climate change, because we have a Climate Change Commission and lots of policy changes and choices were being made, so other things that were not being worked on were picked up instead.

To go back to what I said earlier, the key thing probably is that, because we are independent of ministers, we do not have to worry about the coalition dynamics. Even if the main part of the coalition did not want work to be done on something or was not planning to commission that from officials, our process would allow officials to do some work on that. I hope that that will make it easier to pick up things that minority parties want to be picked up. It probably increases rather than reduces the chances that such things will be incorporated and worked on. That is what I hope but, as I said, I am an optimist.

Ross Greer: Thanks very much.

Liz Smith (Mid Scotland and Fife) (Con): I have just one question. If a piece of legislation has not worked very well and has lots of problems, how effective is the post-legislative scrutiny in the Parliament? Would your group ever be involved in considering why a policy commitment has not worked very well?

Diane Owenga: No—we have been very firmly told that we are not into policy content, so that sort of thing would not come to us.

I am trying to think about how that would work through. I am pleased to say that I cannot immediately think of an example of something that has worked out really badly. The legislative scrutiny that would ideally pick up those kinds of things has not done so. Those things would

normally make their way back through the responsible minister and the responsible agency or agencies.

Actually, an example is coming to mind. There were issues in the family court, where there was a big backlog of cases. There was a review and reform process that changed a number of dimensions of what people could do, at legal aid level and in the way that the courts operated. The reform was at a lot of levels, and it was supposed to make the system better. In some areas, it probably did so but, in a number of areas, it actually made things harder for people.

Once that started to become evident, the legal profession and others such as parents groups started lobbying. The normal processes applied and a subsequent minister then said that maybe their predecessor had not done the best thing, so work was set in train to go back through those processes.

We are not a mega group whose job it is to be the judge and jury and to decide whether something is good. The responsibility remains with the agencies and ministers. Our responsibility is to work with them to help them to improve the way that they deliver and to build their capability and the quality of advice.

Liz Smith: Thank you.

The Convener: That concludes questions from colleagues. I have just one more question to finish off. There are a number of similarities between Scotland and New Zealand, in terms of parliamentary structure. Obviously, the populations are not too different.

You have 120 members and we have 129. You have been a unicameral Parliament since 1951 and we are a unicameral Parliament. You have select committees and we have committees, and your committees interrogate policy and ministers as ours do. How effective do you feel that the select committee structure is in doing that, and if you could put in place one change to make the process more effective—if you believe that a change is necessary—what would it be?

Diane Owenga: I do not think that the process is broken or that we need to go back to the drawing board. Legislation gets changed after select committees review it and varying degrees of bipartisan stuff happens in the committees. Officials take select committees seriously and they understand that, although most of the time their role is to advise ministers, when a bill is in front of a select committee their role is to support the select committee, that the select committee has a quality assurance role and that the process is a check on the executive Government. There is a lot that is good about the process.

I cannot say that I have thought that much about the interface; I have thought much more about the bits up to where ministers and the Cabinet make decisions.

If I had a magic wand and I could change behaviour, I would do so on the engagement with communities and affected people side—I would make that culture change. Some ministers understand that it is a really good idea to send their officials out there, but others are very reticent about it, and sometimes they literally tell them not to. I have been there and I know what it is like. Government officials are suddenly in another part of the country, in a community that is very different from the one that they grew up in, and people are angry with them because they are from the Government and they are not doing things right.

I would want to have a norm that we engage more at the front end. People engage quite well in select committees—even if not everybody comes to the hearings—but having more at the front end would mean that we would end up with better policy advice and more trust in Government. That would be the bit that I would change, and that is why I have focussed some of our effort on those areas while I have been in my role.

The Convener: I thank you for spending a big chunk of your evening with us; we realise that it is about half past 10 over in New Zealand. I apologise for the difficulties that we had. I am not sure what end they were on, but it was great that you soldiered on throughout. We really appreciate it.

At future meetings, the committee will continue taking evidence on effective Scottish Government decision making, and I certainly hope that we can engage with you again in the future.

That concludes the public part of today's meeting.

10:28

Meeting continued in private until 10:57.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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