

Standards, Procedures and Public Appointments Committee

2nd Meeting 2023 (Session 6), Thursday 2 February 2023

Correspondence from the Conveners Group on strengthening Net Zero scrutiny arrangements

Introduction

1. The Committee received a letter from the Conveners Group on 15 December about how the Parliament can strengthen net zero scrutiny arrangements in Session 6 (Annexe A).
2. The letter invites the Committee to consider whether there would be merit in exploring procedural options which could be used to require the Scottish Government to make available information necessary to inform the scrutiny process, particularly to support commitments to deliver against net zero targets.
3. In particular, the letter highlights that “as the rules governing the provision of information on the introduction of legislation may merit further investigation to examine whether the level and type of information provided to the Parliament has kept pace with public policy commitments and societal expectations.”

Background

Standing Order rules

4. Rule 9.3 of Standing Orders related to accompanying documents. Rule 9.9.3 relates to information that should be included in the Policy Memorandum:

A Government Bill shall also be accompanied by a Policy Memorandum which sets out–

(a) the policy objectives of the Bill;

(b) whether alternative ways of meeting those objectives were considered and, if so, why the approach taken in the Bill was adopted;

(c) the consultation, if any, which was undertaken on those objectives and the ways of meeting them or on the details of the Bill and a summary of the outcome of that consultation; and

(d) an assessment of the effects, if any, of the Bill on equal opportunities, human rights, island communities, local government, sustainable development and any other matter which the Scottish Ministers consider relevant.

Previous SPPA Committee report

5. The Session 4 SPPA Committee published a report on [Legislation and the Scottish Parliament](#) in 2015. This included a short section on accompanying documents. In the report, the Committee responded to calls in evidence for additional subjects to be covered by the policy or additional information to be provided as part of the accompanying documents. The Committee concluded:

Adding to the number of documents may make the amount of information published on a bill hard to manage. In addition, there is already a large amount of information in the accompanying documents.

For these reasons, we do not propose to add any new accompanying documents. Instead—

- The Scottish Government should focus on improving the quality of the current information before new documents are added.*
- The Scottish Government sometimes add links in the online version of the policy memorandum to additional documents which might be relevant. We encourage them to do this routinely.*
- The rules currently allow the Scottish Government to include in the policy memorandum ‘any other matter which the Scottish Ministers consider relevant’. We encourage the Scottish Government to refer to the assessments mentioned above, where this would help people’s understanding of a bill.*

Current committee practice

6. Currently committees in the Parliament take different approaches to the scrutiny of the accompanying documents, including the Policy Memorandum.

7. If a Committee considers that any of the material provided in the accompanying documents was insufficient or inadequate, it could write to the Scottish Government to seek further information to support its scrutiny of a bill.

8. However, if the Scottish Government was required to provide different or further information - for example in relation to net zero - then this information would be provided in the policy memorandum at the time of the Bill being introduced.

Committee consideration

9. The Committee is invited to consider whether:

- there is merit in revising the Rules as suggested by the Conveners Group in relation to scrutiny of net zero. If the Committee agrees, it could write to the Net Zero, Energy and Transport Committee to seek its views specifically on whether the inclusion of the assessment of the effect of “sustainable development” in the policy memorandum was sufficient in the first instance for supporting parliamentary scrutiny of net zero before seeking the views of the Scottish Government.

and/or

- there is a broader need to review the information required by Standing Orders to be included in the accompanying documents as this has not been reviewed since 2015 and that there would be merit in carrying out a short and focused inquiry.

**SPPA Committee Clerks
January 2023**

Annexe – Letter from the Conveners Group

Conveners Group

Martin Whitfield MSP Convener
Standards, Procedures and Public
Appointments Committee

Liam McArthur MSP Chair of
Conveners Group The Scottish
Parliament

email only

[ConvenersGroup@Parliament.](mailto:ConvenersGroup@Parliament)

15 December 2022

Dear Martin

You will recall that earlier this year, Conveners Group discussed how the Parliament can strengthen net zero scrutiny arrangements in session 6.

The Group examined ways to facilitate and support the work of individual committees, as well as achieving a consistency of approach and support across committees. Following discussion, CG agreed to take forward a series of measures intended to make it easier for committees to prioritise climate change and net zero scrutiny.

To inform scrutiny in all policy areas this included the provision of information required to support effective scrutiny. For this reason, these measures include receiving expert advice, such as from the UK Committee on Climate Change, in order to embed net zero scrutiny into inquiry work.

The Group noted that it was important that the Scottish Government was able to provide essential data to facilitate this scrutiny work. With this in mind, you will have seen the correspondence that I have had with the Cabinet Secretary for Net Zero requesting better information on this; the Group will return to this at our meeting later this month.

On a related topic, the Group previously agreed that there may be merit in exploring possible procedural options which could be used to require the Scottish Government to make available information necessary to inform the scrutiny process, particularly to support commitments to deliver against net zero targets.

The current standing orders requires that the policy memorandum includes an assessment of the effects, if any, of the Bill on equal opportunities, human rights, island communities, local government, sustainable development and any other matter which the Scottish Ministers consider relevant.

Clearly public policy has moved on since our standing orders were drafted particularly in terms of net zero targets. In order to support bill scrutiny work the rules governing the provision of information on the introduction of legislation may merit further investigation to examine whether the level and type of information provided to the Parliament has kept pace with public policy commitments and societal expectations. Equally, as well as looking at the type and nature of information that Government should be expected to provide as part of the legislative process, there may also be scope for parliamentary officials, to consider how they can best provide analysis to support the work of committees.

This is something that your committee may wish to consider. Though of course it is for you and your committee to decide whether to take forward, including whether this is something that could be explored jointly with the NZET Committee.

Whatever you decide to do, I hope that we can work productively together with you and your committee colleagues to find ways in which we can best take forward this important scrutiny work.

Yours sincerely

Liam McArthur MSP Chair, Conveners Group