

REPORT OF THE AUDIT OF DEMOCRATIC PARTICIPATION



PARTICIPATION MATTERS



CONTENTS

ONE: INTRODUCTION	Page 3
TWO: THE SCOTTISH PARLIAMENT.....	Page 6
Introduction: page 6	
The Public Enquiry Service and the Visitor Centre: page 8	
Disability Access and Interpretation Services: page 9	
Parliament Internet Services: page 10	
Partner Library Network: page 11	
Education Service: page 18	
Public Petitions Committee: page 24	
THREE: CONSULTATION AND THE SCOTTISH EXECUTIVE BILL MAKING PROCESS	Page 38
Introduction: page 38	
The Executive Bill making process: page 39	
Case study of the Community Care and Health Act: page 44	
Case study of the Regulation of Care (Scotland) Act: page 53	
FOUR: SURVEY OF SCOTTISH CIVIC FORUM MEMBERS	Page 56
General information on the Civic Forum: page 56	
Results of the membership survey: page 58	
Contact with government: page 61	
Getting information about political issues: page 63	
Contacting government: Scottish Parliament: page 66	
Contacting government: Scottish Executive: page 70	
Comments on the Civic forum: page 76	
FIVE: CONCLUSION	Page 81
Section 1: Effective democratic systems: page 81	
Section 2: Knowledge and Information: page 84	
Section 3: Time and energy: page 86	
Summary of conclusions and recommendations: page 86	
References: page 90	
Appendix One: Successful petitions: page 91	
Appendix Two: Full list of cited changes to policy and legislation: page 99	
Appendix Three: Postcode analysis of Scottish Civic Forum member survey results: page 101	
Appendix Four: Public opinion and the Scottish Parliament: page 103	

ACKNOWLEDGMENTS

This is the report of the Scottish Civic Forum's Audit of Democratic Participation project, carried out between June 2001 and October 2002.

The project was initiated and developed with the full participation of Civic Forum members. The idea that the Civic Forum should monitor public participation in the new democratic processes was proposed in a very early plenary session of the Civic Forum. Following that, an open group of Forum members met regularly to design the Audit Project. Once the project had secured funding and was underway, an invitation was put out to Forum members and others to take part in steering and monitoring the project. The Audit Project also collected views, advice and information from a large number of community groups, politicians, officials, academics and others.

The problem with this participatory method of working is that too many people have been involved in the Audit Project to thank individually. Particular thanks, though, go to: The Joseph Rowntree Charitable

Trust, whose financial support made this project possible; the members of the Reference Group, for shaping the research and keeping track of its progress; The Institute of Governance at Edinburgh University, for advice on survey techniques and with the project more generally; the many officials within the Scottish Parliament and Scottish Executive who provided generous amounts of time and information; the members of community groups and MSPs who fed views into the project; all those who filled in the questionnaire; the staff of the Scottish Civic Forum offices for providing line management and general assistance; and the many other friends, not already included in the list above, who provided support and inspiration.

None of the above has any responsibility for the use I have made of the information they provided, or for the errors that the report may contain.

Ben Young
November 2002

INTRODUCTION

1

This report is for people who want to understand and get involved in the democratic process in Scotland. It provides information about some of the ways in which it is possible to participate in the work of the Scottish Parliament and the Scottish Executive, and it gives recommendations as to how those ways could be improved.

Aims of the project

The Scottish Parliament is founded on four principles, which were set out by the Consultative Steering Group (CSG) which designed the framework on which the Parliament works. The principles, usually called the CSG Principles, are power sharing, accountability, participation and equal opportunities. The report of the CSG states the principles in full as follows:¹

- the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive;
- the Scottish Executive should be accountable to the Scottish Parliament and the Parliament and Executive should be accountable to the people of Scotland;
- the Scottish Parliament should be accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation;
- the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.

All the principles are relevant to increasing participation, but it is the third which calls for it most directly. The aim of the Audit of Democratic Participation project is to evaluate the progress towards making the vision behind the third principle a reality.

A great deal of work aimed at raising the level of democratic participation is being carried out in Scotland, and, solely because of time constraints, the Audit Project has had to be selective about what it examined. The information that the Project collected is presented in chapters 2, 3 and 4.

- Chapter 2 focuses on the Parliament's information strategy, its access arrangements, the ways in which it reaches out to the public and the public petitions system. The chapter also looks at some wider issues to do with the way the committee system has been working.
- Chapter 3 looks at the role of consultation in the Scottish Executive's Bill-making process, and provides case studies of the development of the Community Care and Health (Scotland) Act and the Regulation of Care (Scotland) Act.

¹ CSG report 1999: 3

- Chapter 4 presents the results of an in-depth survey of the membership of the Scottish Civic Forum. The members of the Civic Forum represent a particularly interesting group of organisations who are active in their communities or politically, and identify themselves as members of civic society. This group has a great deal of insight into the workings of the Parliament and Executive and the survey draws on this insight to present a picture of civic society's experiences with the new democratic institutions.
- Chapter 5 gives conclusions on how successful the Parliament, the Executive and civil society have been at promoting participation, and suggests some ways in which their work could be improved.

Defining "democratic participation"

A democracy is a system of government in which the people rule themselves. "To participate" just means to take part; "participation" means the process of taking part. "Democratic participation" means the process through which people take part in governing themselves. This process could take many forms, the most common one being voting for representatives in elections. There are many other ways, though, of taking part in the democratic process. Many of these call for the direct involvement of people in the development of legislation and public policy between elections, such as through:

- writing to politicians and civil servants
- giving evidence to Parliamentary committees
- protesting
- discussing important issues with friends
- learning about our history and community.

This direct participation in the democratic process has two main kinds of benefit. On the one hand, it can benefit the people who are participating by empowering and educating them; on the other, it can help the government make more effective laws and public policy.

Direct participation is empowering and educational

By participating directly, people come to understand more about their society and the way the government works, and become more skilled at influencing the decisions made by the government. As a result, they become empowered to take more control over the decisions that affect them. It has been argued that sharing power more equally throughout society promotes equality more generally, and that as people became empowered through their experiences of direct participation a self-sustaining culture of morally aware and active citizenship develops.²

² Carole Pateman draws attention to benefits of direct participation which are of this sort. See Pateman 1970.

Direct participation helps the government make better policy

Direct participation can help to ensure that policies are well designed and meet the expectations of the wider public. It can also set up links through which the government can receive new ideas, and account for its actions directly to members of the public.

Although in practice people will participate with a mixture of these two goals in mind, these two sorts of benefit do not always go together. Participation done with the aim of empowering people need not help the government make better policy: the Poll Tax protests empowered a lot of people, but did not help the government of the day improve the details of the Poll Tax legislation. On the other hand, participation aimed at helping create better policy need not be empowering: the government could collect views on its proposals for legislation through a questionnaire which left the public none the wiser about what was intended, but which was enormously helpful to the policy makers themselves.

The reason why these two sorts of benefit do not always go together is that they stem from two different sorts of participation. The first sort of participation necessarily involves the sharing of power, and to empower people the government must give up some power itself. In practical terms, sharing power requires that:

- the public gains power to set, or to influence, the agenda for discussion at a political level
- the public is provided with enough knowledge and information to engage with politicians on a more equal level.

Participation done with the aim of improving government policy does not necessarily involve power sharing, as a government can consult the public and collect helpful views without giving up control of the agenda for discussion, and without providing members of the public with any more information than is needed to respond to the consultation.

Although these two sorts of participation are different, it would be wrong to say that one is better or more real than the other: they just serve different goals. It is important to remember that different things can be meant by the word "participation", and that people who appear to be agreeing on the importance of democratic participation in general, may actually be using the word in different senses, and perhaps in reality disagreeing. The different mechanisms that the Scottish Parliament and the Scottish Executive have set up to help the public influence the democratic process may be promoting different sorts of participation. This Report finishes by interpreting the work done by the Parliament and the Executive in the light of the two senses of "participation" discussed here.

2

THE SCOTTISH PARLIAMENT

Introduction

The Parliament is the set of institutions which govern the way groups engage with each other in the process of developing laws and public policy. The Parliament itself is neutral, and must be distinguished from the Scottish Executive and from the political parties that work within it. The Parliament convenes debates and sets the rules according to which they happen: the Executive, the political parties and the independent MSPs are the groups and individuals who take part in those debates.

Campaigners for the Scottish Parliament had a vision that the Scottish political system would inspire trust and confidence among members of the public. This vision was to be realised by the creation of a Parliament which freely delivered information, conducted its business through clear and open processes, and which actively reached out to include the public in its work. This chapter of the Audit project discusses the institutions and processes that the Parliament has set up to promote participation, and assesses how successful they have been. The chapter looks at the information that the Parliament produces and its dissemination through the Enquiry Unit, the website, the Partner Library system and the Education Service. It also looks at how committees have worked to include the public, and focuses on what may be the most important Parliamentary institution for public participation, the Public Petitions Committee.

Information produced by the Parliament

The Parliament produces the following information:

- The Official Report – this is the almost word-for-word record of all proceedings of the Parliament, including committee meetings (except those held in private) and answers to written questions. The report of any meeting is published by 8.00 am on the following working day.
- Minutes of plenary and committee meetings
- Committee reports – these include the outcomes of committee enquiries and reports on the principles of Bills
- Research papers
- Parliamentary statistics
- Annual reports of Parliamentary committees and of the Scottish Parliament Corporate Body (this is the body responsible for the running and resourcing of the Parliament)

- Proposals for Members' Bills
- Record of Bills in progress and Bills completed, together with accompanying documents
- The journal *What's Happening in the Scottish Parliament (WHISP)* – this summarises what's happening, including current and forthcoming business, progress of Bills and petitions, information on publications, events, the membership of the committees, the state of the parties, and more.
- Business bulletin – record of current, past and future business of the Parliament, including written and oral questions lodged
- Copies of petitions submitted to Parliament and a record of the actions taken on these
- News releases
- Information on current events
- Educational materials on the Parliament's history and procedures
- Information on the Parliament's procedures, including the Standing Orders of the Parliament
- Gaelic translations of Parliamentary material
- An assortment of other documents including translations of some material into minority languages in use in Scotland.

The Parliament makes available all information in its possession except that which it receives in confidence, material that would require extended research on the part of the Parliament to provide and records of committee sessions held in private. It is important to note that the Parliament does not provide information about the Scottish Executive or about the political parties. The Parliament itself is the set of institutions which regulate the way political groups interact with each other in the process of developing public policy and passing laws, and it must be distinguished from the political parties and the Executive. Much of the most politically sensitive information, which is often the information of most interest to the public, concerns the activities that political groups engage in away from the public scrutiny of the Parliament. For example, the development of the Community Care and Health (Scotland) Act was characterised by a dramatic change in the Executive's policy on free personal care for older people. The Official Report of the Parliament records how the change in policy was announced in Parliament, and the uproar that followed; but Parliamentary information does not tell what were the pressures that led to that change. The announcement of the policy change is Parliamentary information which is held by the Parliament and publicly available; the details of the negotiations that led to that policy change are internal Scottish Executive information and not publicly available. To access this information the public remains largely dependent on the network of political journalists and their contacts: a network which is less transparent than the Parliament's own information service.

The next five parts of this chapter deal with the ways in which the Parliament disseminates information.

The Public Enquiry Service and the Visitor Centre

The Public Enquiry Service provides access to all Parliamentary information. It takes queries by letter, fax, telephone, textphone, email and in person at the Parliament Visitor Centre. It provides information in Braille, large print and audio tape, and translated into other languages in use in Scotland, although, apart from commonly requested documents, the Enquiry Service needs advance warning to have the appropriate versions prepared. Statistical information about the Enquiry Service is given below.

Table 1. Public Enquiry Service

	1999-2000 ¹	2000-2001 ²
Switchboard calls	96,864	65,411
Office enquiries	2,975	6,634

Source: Parliamentary Statistics

The Scottish Parliament has the first Parliamentary visitor centre to be set up in the UK. The model has been adopted by other devolved institutions, and also in Westminster. The Visitor Centre displays information in English and Gaelic on the Parliament's history and structure, activities for school parties and basic information on the Parliament translated into common European tourist languages (French, Italian, Spanish and German).

The Visitor Centre can be used for group visits, and also as a place to make face to face enquiries or to book tickets to observe sessions of the Parliament. Parties wishing to use the Visitor Centre do not have to book in advance and tickets to observe sessions are free, although for particularly popular events such as First Minister's question time or debates on controversial issues the Parliament advises visitors to make arrangements in advance.

The Visitor Centre advertises itself through Visit Scotland and is a popular attraction, especially during the tourist season.

Table 2. Visiting the parliament

	Number of visitors 1999-2000 ³	Number of visitors 2000-2001 ⁴
Public gallery	26,719	34,199
Committee chambers	19,647	32,408
Visitor centre	46,108	31,617

Source: Parliamentary Statistics; Public Enquiry Service

- 1 Figures given are for May 1999 to March 2000 inclusive.
- 2 Figures given are for May 2000 to March 2001 inclusive.
- 3 Figures given are for May 1999 to March 2000 inclusive.
- 4 Figures given are for May 2000 to March 2001 inclusive.

The current Parliament buildings have no crèche for the use of members of the public wishing to observe Parliament sessions; however, it was recently announced that the new premises at Holyrood will have such a facility.

Disability Access and Interpretation Services

The Parliament reports that all public areas in its temporary accommodation, including the debating chamber, committee rooms and the visitor centre, are fully accessible to wheelchair users. Most of the office and administration premises would be accessible to disabled members of staff and MSPs, although there are some premises that are not. Some of the on-street parking facilities are inconvenient to disabled visitors, however, it should be noted that parking is the responsibility of the City of Edinburgh Council, not the Parliament.

The premises at Holyrood are still under construction at the time of writing this report, so no definitive claims can be made about the access arrangements. Representatives of disability groups, however, have expressed general satisfaction with the consultation process through which the Parliament sought to ensure that it will be fully accessible. The Parliament convened a reference group to advise it on disability issues (the Parliament Building Disability Access Group), which comprised organisations representing the full range of sensory and physical disabilities, from a wide range of geographical areas in Scotland. Members of that group have expressed optimism that, provided that the building turns out as it is currently planned, it will be fully accessible to people with physical and sensory disabilities, whether visiting, or working as MSPs or staff.

Translation and interpretation services

A limited amount of Parliamentary information is immediately available in formats for people with sensory disabilities, or in languages other than English; however, the Parliament will translate any information into any format on request.

The Parliament is not able to provide simultaneous interpretation services without advance warning, but will provide an interpreter for any language by arrangement in advance. It can sometimes be difficult to arrange interpreters at short notice, particularly for British Sign Language; despite this, Parliament staff say that they have never had to refuse a request for interpretation. The Parliament also has a policy of automatically providing British Sign Language interpreters at any plenary or committee meeting at which substantive disability issues are being discussed (this policy was adopted after recommendations made by the Equal Opportunities Committee in response to Public Petition PE139).

Parliament Internet Services

Introduction

The Consultative Steering Group (CSG) report envisaged innovative and effective use of information technology by the Parliament to inform and include the public, and this vision has, more or less, been made real. The Scottish Parliament's internet service is widely thought to be very good, and significantly better than the arrangements at Westminster.

The website

The Parliament's website carries a great deal of information, including the following:

- the official report of the public proceedings of the Parliament
- business timetables
- press releases
- committee reports and all research documents
- educational materials
- contact details for MSPs
- MSP's registers of interest and biographies.

Further, all the MSPs have their own email addresses and there are webcasting facilities allowing web-based viewing of plenary debates and some committee meetings. The website has also hosted discussion forums (one of the most prominent being Dorothy-Grace Elder's forum on chronic pain, which received 162 messages) and has tested facilities for electronic submission of public petitions with the International Teledemocracy Centre based at Napier University.

The website is kept deliberately simple to avoid extended download times or the need for special software (Holyrood 2000: 24). An Accessibility Audit of the first version of the site was carried out by the Digital Accessibility Unit at Dundee University, and the findings of that audit informed a relaunch of the site in June 2001. The relaunched site incorporates provisions for users to alter the appearance of the text to facilitate access by people with visual impairments.

The website is very widely used, averaging well over a million hits per month, with a total of 21,869,893 hits in the period from May 2000 to May 2001 inclusive. The most commonly accessed pages are the "What's happening" page, information on MSPs, and the search page. The website is also a useful research tool, with documents often linked to relevant supporting information.

Comments

The website provides a great deal of information, and this is a significant step towards open government. A full “formal” review of the impact of Parliament’s IT services has not yet been carried out, but the general impression received by the Audit project is that the website is thought of very highly among civic groups. The survey of Civic Forum members (see chapter 4) shows that civic society considers it an important source of information.

It must be remembered, however, that there are great inequalities in public access to the internet. These inequalities have been called “the digital divide.” The Scottish Household Survey reports that across Scotland as a whole, 12% of households could access the Internet from home in the first quarter of 1999. By the last quarter of 2000 this had increased to 25%. Ownership of computers is strongly slanted towards higher income groups: 65% percent of households with a net annual income of more than £20,000 have a computer compared with 13% of households with an income of under £6,000. Ownership also varies geographically: in 1999-2000 households in East Dunbartonshire, East Renfrewshire and Aberdeenshire were most likely to have a computer (47%, 46% and 43% respectively) and households in East Ayrshire, Dundee City and Glasgow City least likely (26%, 26% and 25% respectively).⁵

There is a tendency for commentators on the Parliament’s provision of information to focus on its use of information technology. The Parliament’s website is a valuable tool, but the fact that the majority of people in Scotland cannot access it from home means that more traditional methods of distributing information remain important. The following sections discuss other methods used by the Parliament to distribute information.

Partner Library Network

Introduction

The Partner Library Network consists of a group of public libraries which act as points of contact between the Parliament and local communities, supported by a Library Liaison Officer based in the Parliament. The aim of the Partner Library Network is to provide information about the Parliament. Parliament documents state that:

Partner Libraries act as focal points in local communities for information from and about the Scottish Parliament, and provide a fast-track for answering enquiries from constituents ensuring that individuals have access to accurate, authoritative and up-to-date information about the Parliament. The Partner Library network is one of the most visible ways in which the Parliament delivers on its commitment to be open, accessible, accountable and participative.

⁵ All statistics from: <http://www.scotland.gov.uk/stats/bulletins/00115/00115c-01.asp>

The Consultative Steering Group, however, when considering how the Parliament should engage with local communities, had envisaged something grander (CSG Report: 173).

The Scottish Parliament should make educational materials relating to the Scottish Parliament available in public libraries and on the internet to assist with the education of the adult population.

Community media centres should be developed across Scotland where assistance is available to local communities to develop submissions to the Scottish Parliament.

Strictly speaking, these recommendations have been enacted; but the vision behind them is of an active network, reaching out to inform and include communities in the work of the Parliament irrespective of geography, and this has not yet been achieved. This part of the Audit Project discusses the Partner Library Network and argues that to be a real success it needs to do more than just provide information. Valuable work has been done so far, but this needs to be developed into something closer to the the CSG's vision.

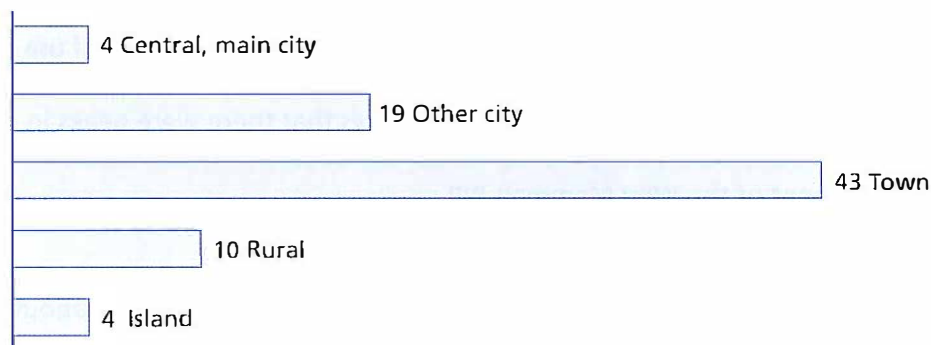
Information about the network

The Partner Library Network is funded by the Scottish Parliament Corporate Body at a level of about £130,000 per year. The Parliament's services to the Partner Libraries are provided free. The network is maintained through the goodwill of the Parliament, stemming from its commitment to openness and accessibility, and the personal commitment of staff in the partner libraries; there is no statutory requirement for the network to exist. In contrast, for example, the US government has a legal obligation to supply libraries with information. The US system also provides information on both government and legislature (the equivalents to the Scottish Parliament and Executive); the Partner Library system deals only in Parliamentary information (except where Executive information is provided through the Parliamentary system, for example in the record of written replies to Parliamentary Questions).⁶ There is no equivalent system to the Partner Library Network run by the Scottish Executive.

In 2002 there were eighty partner libraries: one in each of the seventy-three Scottish Parliament constituencies, plus three extra in the Highlands where constituencies are very large, and four more set up in response to requests from outside the Parliament. Currently, about one in nine public libraries in Scotland is a Partner Library. The libraries are located in the following types of location:

⁶ Sheehy and Sevetson 2001: 450-451.

Table 3. Location of partner libraries



Source: Scottish Parliament

The Parliament provides four services to the Partner Libraries:

- Document supply: Libraries receive official publications from the Parliament free of charge.
- Inquiry support: the Parliament, through the Library Liaison Officer, helps library staff to answer inquiries from members of the public about the Parliament.
- Staff training and development: the Library Liaison Officer trains library staff in the best use of Parliament information services.
- Promotion and publicity: the Parliament supplies the libraries with publicity and promotional materials to help raise awareness of the Partner Library Service.

Most of the libraries also offer free internet access to the Scottish Parliament website.

The following gives more information about each of these services; and then evaluates their success.

Document supply

Partner libraries are able to select which of the Parliament's official publications they receive. In September 2002, seventeen libraries received only the weekly bulletin about Parliamentary Business *What's Happening in the Scottish Parliament (WHISP)*, while thirteen received copies of everything produced in hardcopy by the Parliament.⁷ Some of the libraries back up their collection of Parliamentary materials with key books on current Scottish politics.

As part of the Partner Library arrangements, the documents sent by the Parliament have to be made available to the public. Although it is not easy for library staff to monitor the level of use of the materials,⁸ there is widespread agreement amongst the library staff spoken to by the Audit project that only

⁷ The Parliament has become more flexible about how it supplies documents. In the first two years of the Partner Library Network, libraries had to choose between four levels of document supply from the Parliament; the current arrangement gives libraries more control over their collections.

⁸ The materials from the Parliament are kept alongside other reference materials and to log how many people are using them in particular would take up a lot of resources and might even put potential users off.

a very small number of people actually browse the publications. Staff suggest that under normal circumstances Parliamentary publications are looked at around once a week. However, the librarians also agree that the level of use of the collection significantly increases when there are high profile political stories in the media. The Library Liaison Officer says that there were peaks in interest in the collection during the SQA crisis, the debate on Section 2A and the development of the Wild Mammals Bill.

Inquiry support

The Library Liaison Officer helps library staff respond to public inquiries about the Parliament. The level of inquiries made from libraries to the Officer were as follows:

Table 4. Inquiries to Library Liaison Officer

Inquiries for period:	No.
May 1999 – March 2000	93
May 2000 – April 2001	66
May 2001 – April 2002	59

Source: Scottish Parliament Statistics

These represent only the number of calls made to the Officer at the Parliament; the number of inquiries made by the public is higher than this, but Library staff are often able to answer without support from the Parliament. For example, Portobello Library in the Edinburgh East and Musselburgh constituency keeps a folder of commonly requested political information at the issues desk.

Staff training and development

Up to the end of 2002 there have been two stages of training for Partner Library staff, with a third planned for 2003, plus two Partner Library days held at Parliament Headquarters. The first stage of training, which ran until September 2000, was an overview of the network and how it fitted into the Parliament's principles of openness and accessibility. The second stage, due for completion in November 2002, will involve training on Scottish Parliament publications and finding the way around the website. The third stage will be about helping the public to use the CD-ROM of Parliamentary information, due for release in Spring 2003.

The Partner Library days, held in 2001 with 52 participants and in 2002 with 41, were open to all staff of partner libraries, and involved training, meetings with staff and MSPs, tours of the buildings, and feedback to the Parliament about what the libraries expect from the network. A third day is planned for late 2003.

Like all Parliament staff members, the Library Liaison Officer has a range of responsibilities of which only one is the Partner Library Network. As a result, it is only possible for him to complete contacts with all the members of the network about once every three years. This means that there are very low levels of face-to-face contact between the network members and the Parliament.

Promotion and publicity

The Partner Libraries are supplied with publicity and promotional material to help raise awareness of the network. These materials include bookmarks, posters, document holders, shelf strips, window stickers, mouse mats, business cards and wall charts from the Parliament Education Service. There is also a touring Partner Libraries display which is popular: in May 2001 it was booked up for a year ahead.

Many of the Partner Libraries held launch events for their collections at the start of the scheme, normally involving their constituency MSP. Some of the libraries have very prominent and accessible displays of material (for example, Dundee Central Library). Comments from library staff, however, suggest that there has been little or no promotion of the network since those launches.

Internet service

By mid-2002 about 87% of the Partner Libraries offered free public internet access to the Parliament website. The level of internet access is monitored by the Parliament and is expected to climb to 100% once the National Lottery funded project to connect all public libraries to the internet is completed in December 2002

Evaluation

It is not an easy matter to evaluate the success of the Partner Library System. Given the level of public dissatisfaction with formal politics it might be expected that the service would be little used: but the fact that the level of use of the service is low does not show that the system has been unsuccessful. The difficult question is whether that low level of use represents a relative success for the network.

To gauge the success of the network the Audit project tried to balance a number of factors including: the level of use of the materials; the number of inquiries and requests for training and support received by the Liaison Officer; feedback from library staff, users of the service and elsewhere; the quality and accessibility of the materials in the libraries; and the potential for development of the network in the future.

The level of use of the printed materials is lower than was expected at the outset, and is disappointing. There are indications (from discussion with library staff) that library internet services are more commonly used to get Parliamentary information than the printed materials. It is reasonable, though, to assume that the average level of usage is always likely to be low. The fact that there are surges of interest at the same time as high profile political stories is a better indicator of the interest in the network, as people are more likely to access the network only when they need it.

The number of inquiries passed on to the Parliament is also low, but, as mentioned, library staff may be dealing with these without needing to ask the Parliament. The uptake of training seems to be good, with the Partner Library days fully subscribed, and the Liaison officer providing training for two hundred and thirty-eight library staff in 2001-02.

Feedback about the network varies. Within the Parliament the network is said to be generally well thought of, and some MSPs back the scheme strongly. Views from the Partner Library staff are mixed, with some staff highly supportive and making good use of the display materials, while others are apparently less active or not active at all. Like many innovations of the Scottish Parliament, however, the network has attracted a good deal of interest outside Scotland: it is being used as a model for the development of similar schemes in Slovakia, Northern Ireland and Wales, and was commented on very favourably by researchers on the US system (Sheehy and Sevetson 2001). It is also a good general sign that the number of Partner Libraries has grown in response to outside requests; this suggests that some people value the service enough to demand it.

Overall, the Partner Library Network is a very important initiative, which must be maintained and developed. It is a sign of the Parliament's commitment to addressing the digital divide, and it still has great potential. The main problem for the Partner Library Network is the low use of the material provided. As suggested above, it is not enough to explain this away with claims that the public is apathetic about the Parliament. There are more concrete reasons for the low level of use.

The Network is not well advertised.

Apart from initial launches, neither the libraries nor the Parliament have done any significant work to raise awareness of the collection in local communities. This is probably largely due to lack of time and resources.

The material is inaccessible to the public.

The materials distributed through the network are the Parliament's own official publications. Although these are accurate and authoritative, they are

produced for the use of people, such as MSPs and researchers, who already have a lot of knowledge about the way the Parliament works. The information is not produced in a form suitable for use by the general public.

- The material is unattractively presented. All documents are a uniform light green in a very plain design, and cannot compete with more eye-catching books stocked by public libraries.
- The content of the material is inaccessible. Only someone who already understood how the Parliament works and how it presents information could easily find their way around the collection. The most accessible of the documents is *WHISP*, but even this is first and foremost an in-house publication, and is unlikely to attract the attention of the casual browser.
- The Parliament does not provide an indexing service to its publications, so it is very difficult for users of the library network to find out about a specific issue.

The presentation of the information must be tailored to meet the needs of the public if it is to be suitable for distribution through the Partner Library Network. The fact that there are surges of interest related to high profile issues suggests one way in which the collection could be improved. Very few people are likely to browse the collection for pleasure; it appears that its main use is as a resource for people wanting to find out more about controversial political issues. More regular use ought to be supported. Material could be grouped into themes, for example, that are likely to be controversial. The basic material drawn from the Parliament could be filled out by copies of relevant media stories, and perhaps personal comments from MSPs or other public figures. This grouping of material into themes would be a demanding job, and the selection of material for inclusion under each theme might require political decisions which could not be taken by Parliament staff; however, it would be one way of tailoring the Partner Library collections to the needs of the public, and so addressing the problem of the low level of use.

The network lacks ambition.

As we saw earlier, the Consultative Steering Group envisaged the development of a network of community centres which would provide the knowledge and opportunity needed for groups to make full use of the Parliament. The Partner Library Network provides some of the necessary information but at the moment the network does not provide any real support for active work which involves community groups in the Parliament's work. The network needs to be built up into something more resembling the CSG's vision with the information provided backed up with support for community groups who want to make use of that information.

Conclusions

The Partner Library Network is an excellent initiative and the Parliament must be praised for supporting it. At present the network is under used, but the vision remains of the Partner Libraries functioning as centres for community activity, in which community groups can find out about and make demands on the democratic process. If the resources could be found to realise this vision it would benefit the Parliament, the community and the libraries themselves.

Education Service

Introduction

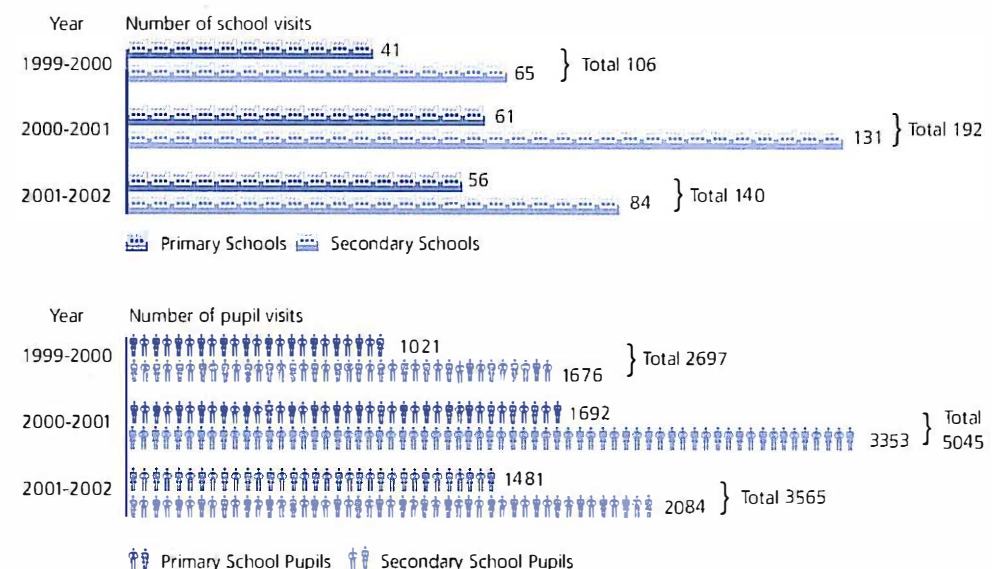
The Education Service of the Parliament has run visits for a great many young people, has produced a number of useful educational resources, and is widely supported by MSPs. The Education Service is run largely by staff with teaching backgrounds, and has four main functions.

- Organising school visits
- Producing resources
- Assisting committees and MSPs in engaging with schools and young people
- Setting up other educational events

The school visits programme

Any individual or group can visit the debating chamber, committee rooms or visitor centre simply by turning up, or by prior arrangement with the visitor centre. But over and above this the Education Service runs a programme of structured visits that complement the Primary and Secondary schools curricula. The formal visits programme is well subscribed and is booked up for months in advance.

Table 5. School visits programme



Source: Scottish Parliament, Scottish Parliament Statistics

The Education Service aims to make each visit unique, though they share a basic structure, beginning with a forty-five minute session in the Education Service's classroom. This involves a presentation on the Parliament, interspersed with activities and discussions, and normally ending with a question and answer session with one or more MSPs. MSPs claim to value these sessions, and it provides an opportunity for them to be surprised or challenged by the young people: Education Service staff report that one question asked of an MSP was: "why do I keep getting stopped by the police?" Following the MSP session the group normally goes to the visitors' gallery of the Parliament debating chamber. Visits are held on days on which the full Parliament is sitting in the Chamber (Wednesday afternoons and all day Thursday).

Schools making use of the visits programme are generally from the central belt and Fife, and uptake is lowest from the Highlands and Islands, presumably due to the long travel times. The visits programme is advertised through the Parliament website and has been promoted through the Modern Studies Association newsletter.

Resources

The Education Service has produced a lesson plan for setting up a Parliamentary-style debate; an interactive guide to the debating chamber; suggestions for young people on how to participate in the work of the Parliament; and Modern Studies Standard grade notes on the Parliament. All of these are available on the Parliament's website. It also created two large wall charts providing a colourful summary of Parliamentary facts which are available for sale through the Parliament shop. The Education Service has made materials for young people with visual impairments, including a cast of the parliamentary mace, and a tactile map of the debating chamber.

Assisting committees and MSPs

The Education Service has worked with other Parliamentary staff, including researchers, clerks and staff of the public information service in setting up committee events involving young people, for example the Education, Culture and Sport Committee's event for young people on a children's commissioner, held in the main chamber of the Parliament on the 25th June 2001. The Education Service also provides a guide for MSPs to help them when working with schools. The Education Service has worked with the Partner Library Service to host class visits in local partner libraries, and is also developing plans to go out with committees when they meet outside Edinburgh.

Other educational events

In 1999 the Education Service worked with the TAG Theatre company to run an event for young people. The event began with a series of discussions on issues with young people in schools, who then sent representatives to the Parliament debating chamber to have a debate based on those discussions. In 2001 the Education Service ran an event which simulated the progress of a Bill, including meeting in committees in the morning, taking evidence from Ministers and professionals, and then debating the Bill in the afternoon.

Example of a visit to the Parliament

The Education Service was approached by the Royal Blind School to set up a visit for a group of Modern Studies students with visual impairments. The Modern Studies curriculum has a strong political dimension, and the teacher at the school had already collected Braille and tape versions of the Parliament fact files. While the visit was being arranged, the staff of the Education Service asked how they could make the visit suitable for the students, and in advance of the visit commissioned a tactile map of the debating chamber and a cast of the Parliamentary mace. The structure of the visit was tailored to the students, beginning with a session in a committee room with the usual overhead projector-based presentation replaced by a spoken presentation by the Education Officer over a video. The group then went to the debating chamber and observed the Parliament in action.

The students had asked for more information in Braille or tape format. The Education Service had this produced after the visit and sent it on to the school a few weeks later. Several months after the visit, the Education Officer visited the Royal Blind School to get feedback from the students about the visit. The feedback was very positive, though a few suggestions were made, including that the video could be produced with a more detailed commentary, and that it was quite difficult to hear the debate in the Main Chamber.

The teacher from the Royal Blind School who initiated the event said that the Education Service had been excellent, particularly in making the tactile map of the debating chamber, and had proved itself keen to make the visit as accessible as possible.

Evaluation

The Education Service is clearly popular outside and within the Parliament, with the visits programme booked up for months in advance, and with some MSPs apparently saying that their question and answer sessions with young people are among the most enjoyable aspects of the job. Although no formal user survey has been carried out, informal feedback from teachers and pupils making use of the service is said by officials to be extremely positive.

The classroom facilities in the temporary accommodation on Castle Wynd are not ideal: the premises are fairly old and there is quite a lot of noise from traffic outside. However, the new class room facilities in the Holyrood premises are likely to correct this. The Education Service's work so far has focused almost exclusively on education for school groups. Although some adult groups have contacted the service, Parliament staff say that adults generally arrange visits through the Information Service rather than the Education Service. The Education Service intends to work more with adult groups in future, and is currently working with Second Chance to Learn, in Edinburgh, to adapt some of the Parliament's fact files for use with adult education groups. It also intends to produce materials for Adult Basic Education and special needs groups.

Overall, the service should be judged a great success and the Parliament praised for creating it. The Audit project hopes that the support for the Education Service will be continued and strengthened once the Parliament moves to the Holyrood Building.

The Parliament's Committees

Public participation and the work of committees

The largest proportion of the work of the Parliament is carried out by its committees. Committees conduct inquiries, scrutinise legislation and attend to the financial and procedural mechanisms on which the Parliament runs. Committees also have the power to initiate their own legislation. The first Bill introduced by a Committee was the Protection from Abuse (Scotland) Act, passed in 2001. The Act strengthened the powers of police protection available to people suffering abuse by closing a loophole in the law which had afforded more protection from abuse to married women, or women living as married, than to others. Following the Act, the same level of protection is available to everyone. The committee's decision to introduce the Bill followed lobbying by women's organisations, and in particular the group *Enough is Enough* who had campaigned since 1998 for the law to be changed. *Enough is Enough* formed following an information session on domestic violence in the Mastrick Young People's Project, a centre for young unemployed people in Aberdeen. The members of the group, all single mothers, some survivors of abuse themselves, set out to have the law changed. By teaching themselves about the legislative process and the way the Parliament works, persevering and running a focused campaign, they raised the profile of the issue to the extent that they were mentioned by name in the debate which saw the law passed. The successful conclusion to their campaign shows the committee system of the Parliament at its best, providing an new avenue through which community groups can participate in the creation of a more just society.

The committees are staffed by MSPs, with the balance of party representation on each committee mirroring the strengths of the parties in the Parliament overall. It was hoped that MSPs on committees would work together in a way that was not party political, and the CSG report called for the committees to meet around Scotland, to bring the Parliament closer to the public and challenge any perception that it concentrated on the central belt. A budget of about £60,000 is available to committees to run events which actively involve the public and has been used, for example, by the European Committee to hold a civic debate on the future of the European Union, and by the Equal Opportunities committee to gather the views of Gypsy/Travellers during their enquiry on Gypsy/Travellers.

Two important measures with which to assess how committees have enabled public participation in their work are the proportion of their meetings held in private and the number of times committees have met outside Edinburgh. These issues are dealt with below; the chapter then focuses on the work of the Public Petitions Committee, which is one of the most significant mechanisms through which the Parliament seeks to support public participation.

Private meetings

Concerns have been expressed about alleged increases in the proportion of time committees spend meeting in private. Although there is a presumption in favour of Parliamentary business being conducted in public, Standing Orders allow committees to meet in private at their discretion (Standing Orders Rules 15.1, 12.3.5, 6.2.2b.c.d). A report by *Business AM* in March 2002 claimed that one third of committee business was being conducted in private in January to March 2002, compared with one tenth during the first four months of the Parliament's life.⁹ Parliamentary statistics do show that private sessions increased after the first year with 7% of all committee meetings in 2000-2001 held completely in private, compared with 3% in 1999-00. However the proportion of committee meetings held partially or wholly in private declined slightly in 2001-2002. These results should calm fears that Parliament is becoming progressively more secretive, though concerns could continue to be held about the fact that meetings are being held in private at all, and further information needs to be collected about how long committees spend meeting in private, and the subjects of their discussions.

Table 6. Private committee meetings: overview

% of meetings held	1999-2000 ¹⁰	2000-2001	2001-2002 ¹¹
wholly in private	3.3	7.1	6.2
partly in private	33.1	59.1	54.8
Base	363	462	467

Source: Parliamentary Statistics, Parliament website

⁹ *Business AM* Wednesday 27th March 2002: p.3.

¹⁰ Unless otherwise noted, figures are for the Parliamentary year in this period.

¹¹ 2001-2002 figures taken from Parliament website: not official Parliamentary statistics.

Meetings outside Edinburgh

The Parliament's committees have not held many meetings around Scotland, with only 2.6 % of committee meetings 2000-2001 being held outside Edinburgh. Further, most of these meetings were held in the central belt.

Table 7. Location of committee meetings

	1999-2000	2000-2001	2001-2002 ¹²
% meeting outside Edinburgh	2.2	2.6	2.8
Base	363	462	467

Source: Parliamentary Statistics, Parliament website

There were 8 meetings held outside Edinburgh in 1999-2000. A full list of these is as follows:

Table 8. Committee meetings outside Edinburgh 1999-2000

Education and Lifelong Learning	Inverness
European	Glasgow
Justice and Home Affairs	Stirling
Local Government	Stirling, Glasgow
Public Petitions	Galashiels
Social Inclusion, Housing and Voluntary Sector	Glasgow, Stirling

Source: Parliamentary Statistics

There were 12 committee meetings outside Edinburgh in 2000-01. A full list of these is as follows:

Table 9. Committee meetings outside Edinburgh 2000-2001

Education, Culture and Sport	Glasgow, Hamilton and Falkirk
Audit	Glasgow, Dundee
Education and Lifelong Learning	Greenock
Finance	Aberdeen
Justice and Home Affairs/Justice 1	Glasgow (twice)
Local Government	Glasgow
Public petitions	Glasgow
Rural Development/Rural Affairs	Dumfries

Source: Parliamentary Statistics

In the 2001/2002 Parliamentary year, committees met outside Edinburgh a total of 13 times. Based on these figures, the record of the Parliament at moving around the country appears to be poor. It should be born in mind, though, that these figures only cover formal public meetings of committees

¹² 2001-2002 figures not official Parliamentary statistics.

outside Edinburgh. Committees do engage with community groups in other ways, one prominent example being the Social Justice Committee's ground breaking arrangement with the Communities Against Poverty Network to hold regular joint meetings. The whole Parliament also relocated to Aberdeen in May 2002, during the meeting of the General Assembly of the Church of Scotland in the premises on the Mound. Complete information on these other ways of connecting Parliament to communities needs to be collected; the record with respect to full public meetings outside the central belt, though, remains poor.

The Public Petitions Committee

Introduction

The Public Petitions Committee (PPC) is widely seen as one of the most important ways in which members of the public can participate in the work of the Parliament. The Parliament is required by its Standing Orders to consider any petition on a subject within its powers that is submitted in an appropriate form. The Standing Orders also require that the Public Petitions Committee be set up to decide what action should be taken on petitions received. (Standing Orders: rules 6.10 and 15.4)

The drive to have such a committee in the Scottish Parliament comes from the report of the Consultative Steering Group (CSG), which says that it is important that people should be able to petition the Parliament directly and describes in general terms how a committee would work to support the petitions process (CSG: 77-8). However, as the convener of the PPC, John McAllion MSP, said in December 2001:

With due respect to the framers of the CSG principles, it is one thing to write down a principle on public petitioning, but making it a reality is something completely different. Making it a reality means allocating money and resources to make the system work. We have not done that as yet. (Procedures Committee 2001 b)

There are mixed views on the petitions process. Although the petitioning process has certainly had successes and the PPC is regarded very highly, there is also frustration among petitioners, staff and members of the committee that it does not have the power to do more for petitioners. The aim of this chapter is to explain how the PPC works, to set out its powers, achievements and failures, and to evaluate how successful the petitioning process has been.

How the PPC works

Any individual, group or organisation can petition the Parliament; there is no minimum number of signatures that a petition must have to be considered. The CSG report argued that to require a minimum number of signatures would discriminate against rural areas, where collecting signatures can present practical difficulties, and would require the Parliament staff to spend too much time checking the validity of signatures. The report recommends that the action taken by the Parliament on any petition should be "dependent on a wide assessment of the strength and depth of support it enjoys, and not only on the number of signatures the petition has." (CSG: 78)

However, it is not for the PPC itself to evaluate the strength of support for a petition. The Standing Orders state that the role of the PPC is to consider whether petitions are admissible. The requirements for admissibility are that the petition:

- states the name and contact address of the petitioner and any people supporting it
- is written in English
- does not contain language that the Committee thinks is offensive
- does not request the Parliament to do anything which, in the opinion of the Committee, it has no powers to do.

(Standing Orders, rule 15.5)

If the petition passes these tests (and around 95% of those received do), the PPC can either:

- (a) refer the petition to the Scottish Ministers, any other committee of the Parliament or any other person or body for them to take such action as they consider appropriate;
- (b) report to the Parliamentary Bureau or to the Parliament; or
- (c) take any other action which the Committee considers appropriate.

(Standing Orders, rule 15.6.2)

In practice the range of actions taken by the PPC is more limited than option (c) seems to allow. The PPC gathers information and views on a petition, but does not take action on them directly. Its main role is to pass petitions to the subject committees of the Parliament, and once it has passed them on it loses ownership of them. Although the PPC tries to monitor the progress of the petition and queries long periods of inactivity, the responsibility for dealing with the petition and corresponding with the petitioner falls to the subject committee to which it has been passed. There have been complaints that the subject committees do not have the time to give petitions the necessary care and attention. (PPC(c); and see below.)

The PPC treats petitions neutrally. It invites three petitioners per session to speak to their petitions, and, increasingly, gathers supporting information, but this is intended only to help the committee make up its mind on where to send them. The committee is not meant to discuss the substance of petitions; its job is just to match the subject of the petition to the appropriate subject committee or other body. However, given that the committee members are all MSPs with political viewpoints, it would not be surprising if the committee sometimes strayed outside this limited role: and in fact there are two ways in which this does appear to happen.

First, the PPC sometimes expresses support for petitions. This support may be expressed directly: for example with PE130, calling for the Parliament to investigate the potential effects of the proposed closure of the Carrick Street day care centre in Ayr, where the PPC wrote to South Ayrshire Council, expressing its concerns and asking that the closure be delayed until the PPC had considered the matter. Alternatively, the support may be expressed indirectly: for example with PE113, calling for a debate on the resumption of rail links with the Borders, where the PPC drew the Executive's attention to the strength of support expressed for the petition.

Second, the PPC is increasingly taking on more of the work of dealing with petitions itself. In the first Parliamentary year (1999-2000) the PPC sent 59% of petitions received directly to subject committees for further consideration, indicating that it saw its role largely as a link between petitioners and the subject committees. In the second Parliamentary year (2000-2001), apparently following complaints from committee conveners about their work load, the PPC began to undertake more of the initial scrutiny of petitions itself, and the number of petitions passed directly to subject committees for consideration fell to 13%.¹³ In the third year, the proportion appears to be roughly the same.

The initial scrutiny carried out by the PPC involves gathering comments from other bodies with an interest in the subject of the petition, typically the Scottish Executive, quangos or CoSLA. The PPC claims that this scrutiny is not meant to bypass the work of the subject committees; rather, it

...serves to inform such bodies of the existence of the petition, and gives them the opportunity to set out their position. Consideration of the responses received allows the PPC to reach a balanced view on whether further action should be taken by the Parliament.
(PPC(c): para.17)

The PPC continues:

Such investigation allows the PPC to "weed out" those petitions that do not justify further action or can even result in a successful outcome

¹³ The PPC puts the proportion of petitions referred to subject committees in the second year at 17%. The 13% figure above is based on information held in the National Archives of Scotland (NAS) and on the website, and specifically refers to petitions that were passed immediately to subject committees: that is, the figure does not include petitions that were referred after an initial scrutiny process had been followed.

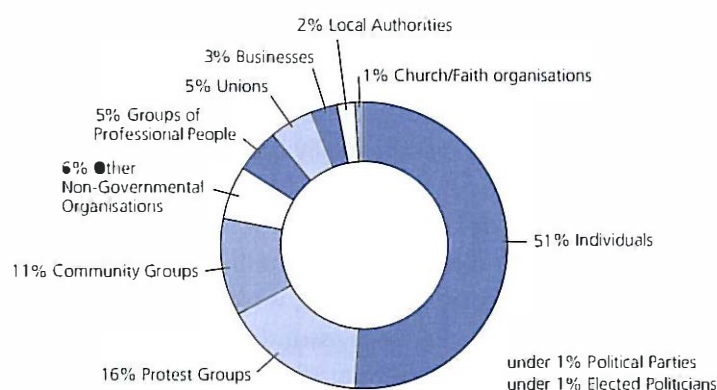
without referral to a subject committee. The Committee is of the view that this procedure allows it to identify those petitions which merit further consideration, and that those that are now referred to subject committees should stand a greater chance of being considered further. The information gathered by the PPC also provides subject committees with a good starting point for their own investigations. (PPC(c): para. 18)

Although the stated aim of this change in approach is purely to ease the work of the subject committees, the practical consequence is that the PPC takes on more powers for itself. This is implied especially by the claim that the initial scrutiny can sometimes result in a successful outcome without referral to a subject committee. This taking on of further powers by the PPC may be significant for its long term success, as discussed below.

Who petitions the Parliament? What do they petition on?

The Public Petitions system is regarded as a way for individuals outside existing networks of power and influence to raise issues in Parliament, and this is born out by an inspection of the sorts of people who have sent in petitions. The petitions received can be broken down into categories of organisation as follows:

Table 10. Categorisation of petitioners



Total: 418 petitions. Source: all petitions passed to National Archives of Scotland, 10/9/1999 to 25/4/2002, plus all petitions received up to PE400

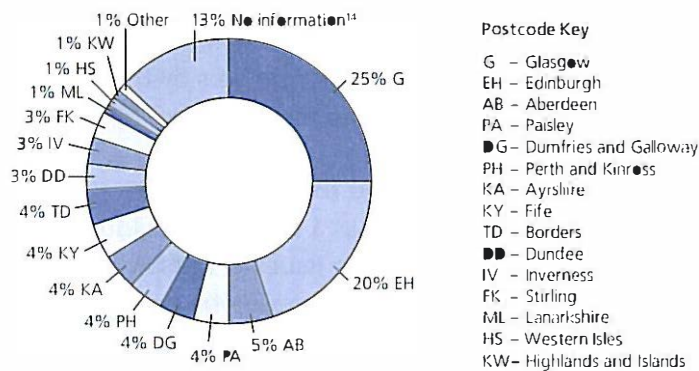
Explanation of categories:

"Individual" is defined as any petitioner who does not say that they are petitioning on behalf of an organisation. This does not mean that the petition has only one signature, since the individual may have collected many. "Protest group" is defined as an organisation campaigning on a single specific issue; for example Joint Action Against the M74 or Troon Against Pollution. "Community group" is defined as an organisation whose members come from the same local area, but which may not in general campaign on specific issues; for example community councils, tenants associations.

“Other Non-Governmental Organisation” is defined as a campaigning or non-governmental organisation which does not fall into the previous two categories; for example Age Concern or Craigmillar Community Information Service.

Petitions are also received from a wide range of geographical areas. The postcodes from which petitions are received are as follows:

Table 11. Petitions received by geographical area

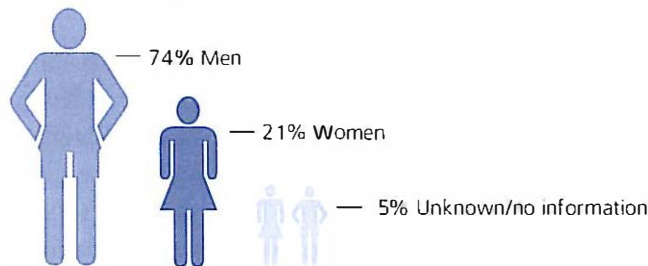


Total: 500 petitions. Source: NAS, Scottish Parliament Website

The distribution of places from which petitions are sent roughly matches the population distribution in the country. The PPC is currently advertised through the system of Partner Libraries and the Citizens’ Advice Bureau Network, and is prominent on the Parliament website. The wide geographical spread of petitions indicates that the PPC is successfully advertising itself across Scotland.

Not all petitioners give their gender, so complete information for the gender of petitions is not available. Also, the genders tallied are those of the people who give their addresses for correspondence, which are not always the people who initiate the petition. However, even assuming that the available figures give only a rough indication of the gender division among petitioners, it is clear that the petitions system is being used overwhelmingly by men.

Table 12. Gender of petitioners

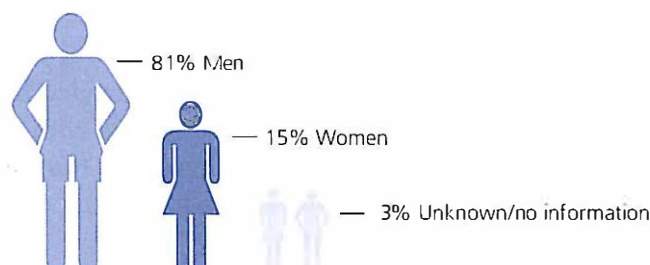


Total: 418 petitions. Source: NAS, Scottish Parliament Website

¹⁴ Petitioner did not provide legible postcode; however, postal addresses are held, from which the postcode could be deduced.

Many petitions are submitted by organisations with the head of the organisation given as the principal contact. The uneven gender split in the result might therefore reflect the gender bias in the upper management of organisations. However, an even greater proportion of individual petitioners are men.

Table 13. Gender of individual petitioners

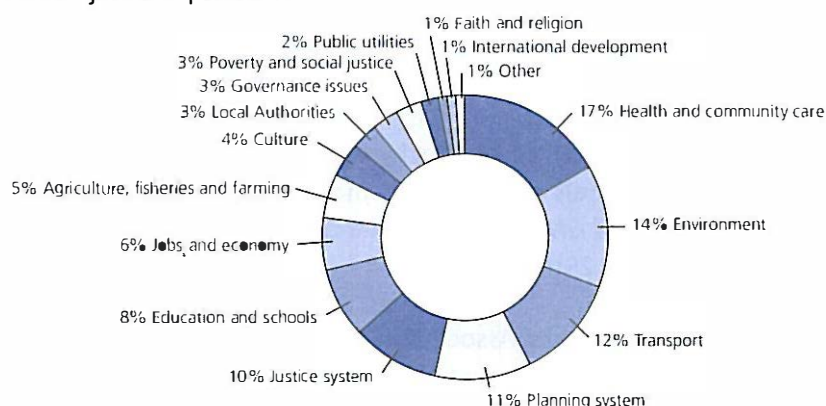


Total: 213 petitions. Source: NAS, Scottish Parliament Website

The PPC does not yet have an equal opportunities monitoring scheme in place, so it is not possible to get an accurate picture of the ethnic background of petitioners. The convener of the committee said in December 2001 (Procedures Committee 2001b) that he and the clerk could not recall a single case of a petition being submitted by a member of a minority ethnic group. The position appears to have changed since then, though the absence of a formal monitoring system makes it hard to say with certainty. The number of such petitions certainly remains extremely low.

Petitions are submitted on diverse issues and there are many ways in which they could be categorised. One rough classification gives the following breakdown:

Table 14. Subjects of petitions



Total: 418 petitions (All to PE400, plus 18 completed petitions stored in NAS). Source: NAS, Scottish Parliament Website

Successful petitions

It can be difficult to gauge the success of a petition: it would be surprising if a petition by itself could have a positive result without other factors such as lobbying or campaigning playing a part. But where other factors do play a part in the petition's success, it becomes difficult to decide whether it was the petition itself, or those other factors, which caused the successful result. For that reason, it is not a good idea to judge the success of the whole petitions process purely by a consideration of the outcomes of individual petitions: a broader, more qualitative assessment is also needed (see following section). This difficulty aside, however, there are many petitions which have led fairly directly to positive outcomes, and the sorts of benefits they bring, with examples, are listed here. (See appendix 1 for a list of all petitions that the Audit project has found which could be considered in various ways successful.) Successful petitions fall into four general categories.

(a) Some petitions result in committee reports or inquiries, or stimulate a committee to take further evidence on a subject.

For example, petition PE327 from the Blairingone and Saline Action Group, asking the Parliament to prevent the spreading of blood products and sewage waste on agricultural land, led to an enquiry by the Transport and Environment Committee which recommended to the Executive that a full ban on such practices be introduced.

Petition PE320 from the World Development Movement Scotland called for the Health and Community Care Committee of the Scottish Parliament to examine the possible implications for health policy in Scotland of the World Trade Organisation's liberalisation of trade in services. The Health and Community Care committee appointed John McAllion MSP to write a report on this issue, and his report was discussed by the committee and also the European committee.

(b) Some petitions lead to debates in Parliament.

For example, PE470 on behalf of Munlochy Vigil called for the Scottish Parliament to end farm trials of genetically modified seeds and hold a debate on the future handling of GM crops in Scotland. This petition led to a debate by the whole Parliament, 29th May 2002.

PE14 from the Carbeth Hutterers' Association called for the Parliament to legislate to provide security of tenure and rights of access for those who own property built on leased land. This led to a report by the Justice and Home Affairs committee which was debated in Parliament on 4th October 2000, and also led to an amendment to legislation which met the petitioners' requests.

(c) Some petitions have led to **changes to legislation or regulations**. These changes are normally on small issues which strongly affect a particular community, but which would not normally get Parliamentary attention. For example, PE393 from Killin Community Council called for the Killin area to be included within the proposed boundaries of the Loch Lomond and Trossachs National Park. The Rural Development Committee supported the petition and wrote to the Minister to recommend the inclusion of Killin. In the final proposals for the park boundaries, Killin was included in the Loch Lomond and Trossachs National Park, though the petition may not have been wholly responsible for this.

Petitions PE167, PE259, PE 310 all called for the Scottish Parliament to legislate to ensure that telecommunication masts would be subject to full planning controls. As a result of the petitions new regulations on new masts were introduced and came into force 23 July 2001.

(d) Some petitions allow local groups to **have their voices heard on local issues**, or result directly in **solutions to local issues**.

The PPC does take a view on the subject of petitions if it thinks that people have not been properly consulted on local issues; as a result a number of groups have used the PPC to have themselves included in local consultation or decision making processes. Other petitions have resulted in more direct contact between the Scottish Executive and the petitioners.

For example, PE191 on behalf of Glasgow health care workers called for the Parliament to ensure a 24 hour police presence be provided at the Accident and Emergency Department in Glasgow Royal Infirmary. The PPC gathered further information and recommended that the North Glasgow University Hospitals NHS Trust consult with the petitioners about safety arrangements. The petitioners declared themselves very satisfied with the outcome.

PE30 from Almondell Terrace Residents on heavy traffic in Almondell Terrace, Livingston, West Lothian prompted the introduction of a traffic-calming scheme on the approach to a sewage treatment plant. The petitioners wrote to the committee to thank them for their help.

The wider value of the petitions system

As suggested at the start of the last section, the complexity of political processes makes it hard to establish how directly a petition contributed to producing a desired outcome. Because of this, it may be difficult to find many cases where petitions have clearly been the main factor in producing success, and if we concentrate on looking for cases like this the petitions system of the Parliament might seem less valuable than it actually is. The consideration of individual cases needs to be backed up by a more general look at the way the petitions system operates.

Seen in the round, the petitions system has five general benefits:

- The process of petitioning the Parliament can engage the public on an issue. The process of gathering signatures can raise awareness of the issue. Perhaps more significantly, though, the existence of the petitions committee guarantees that the petition will, at least in the first instance, be given a sympathetic hearing, and it is likely that people will be more willing to participate in political processes if they think that their contribution is going to be received sympathetically.¹⁵
- The petitions system can be used to generate media interest. Engagement with the petitions process gives a campaign a formal political dimension which could potentially make it more news-worthy. Petitioners are also guaranteed some exposure in the Parliament, a record of their petition on the PPC webpage and in the Official Report, which could be capitalised on.
- The petitions process alerts politicians to specific issues of which they might not otherwise have been aware. Even if the petition results in no formal action being taken, it can be valuable to have had the issue of the petition raised in the Parliament. Petitioners can address the committee on the subject of their petitions, which can be educational for politicians.
- The process of having a petition taken up by the PPC adds strength and credibility to a cause, which can be valuable in helping the issue make progress on a local level. The health care workers who called for the Parliament to make sure police protection was provided for workers in a Glasgow Accident and Emergency department (PE191) said that as a result of their petition the management of the hospital took their concerns more seriously, even though the specific substance of the petition was outwith the Parliament's powers.
- The petitioning process can draw more people into a debate on the issue in question. Where committees gather evidence on an issue, views and arguments have to be aired and different viewpoints may come into contact. For example, RSPB Scotland and the Scottish Gamekeepers Association have submitted competing petitions on culling birds of prey. Through the petitions process the different sides have been provided with an opportunity to consider each others' arguments which might not otherwise have happened. Although this process of engagement will not always lead to consensus, it at least opens the possibility of carrying a debate forward.

It is important to note that these benefits depend on the fact that the petitions process is supported by a dedicated petitions committee, on which MSPs sit, which gives the petitioner an initial hearing. It seems fair to say that it is this political dimension which gives the public petitions process much of its strength.

¹⁵ This, for example, was the main conclusion to come out of the Scottish Civic Forum/Edinburgh Active Citizenship Group conference "Participation Matters", December 2001.

Unsuccessful petitions

In general, the successful petitions are focused on specific goals which are clearly within the powers of the Scottish Parliament. Not all petitions are successful, however: some petitions have been received on questionable topics which probably do not warrant consideration. In other cases the PPC has gathered initial evidence on a petition and quickly satisfied itself that the status quo is acceptable.¹⁶ In other cases, petitions are passed to other bodies which flatly refuse to take action.

Petition PE237 called for the Parliament to investigate the funding of the Calton Athletic Recovery Group and to set up a meeting for the group with the relevant Minister: the Executive, however, refused to meet with the petitioner. PE207, calling for the Parliament to introduce a more public-friendly planning system by granting objectors to a development the same rights as the developers, was passed to the Transport and Environment Committee which refused to take a view on it, saying that the petition in fact concerned an individual case on which it could not take action. PE173, calling for the Scottish Parliament to recognise the importance of the Ballater Area Council Office and prevent its closure, was referred back to the PPC by the Local Government Committee with concerns that it should have been passed to that committee in the first place (Official Report: Local Government Committee 6th June 2000). There are many other such examples.

Inadmissible petitions

Some petitions do not even get as far as being considered by the PPC. As noted above, a petition is inadmissible if "it requests the Parliament to do anything which, in the opinion of the Committee, the Parliament clearly has no power to do." (Standing Orders: rule 15.5.2) From January 2001 the PPC passed the task of identifying inadmissible petitions to the team of committee clerks, which now simply provides a brief note on the petitions received that are considered inadmissible, in case members of the PPC want to take issue with their decision. Inadmissible petitions fall into one of two categories:

- Those that ask the Parliament to take action in some area which is not devolved, such as military policy, social security, pensions issues, international trade, etc. The Parliament has no legal powers to take action in any area that is not devolved.
- Those that ask the Parliament to intervene directly in the affairs of local authorities or quangos; for example, petitions asking the Parliament to overturn a planning decision, change the policies of health boards, etc. The PPC took the decision early on that it could not intervene in these areas, since, although devolved, they are the responsibility of bodies which are accountable for their actions through some other mechanism than the Parliament.

¹⁶ See PE50, 47, 46, 193 and 407, for example.

A petitioner who wants the Parliament to consider some issue which on the face of it falls into one of the above categories must find a creative angle on the issue. Clever petitioners have done this. For example, although the PPC will not interfere directly in the workings of local authorities or quangos, it will consider petitions that refer to the general framework within which these bodies operate. Local authorities and quangos are generally required to consult on the decisions they take, and, as noted above, the PPC will investigate petitions which complain that consultation processes have not been carried out. As we have seen, petitioners have used the petitions process to persuade organisations to listen to their views. Petitioners have also asked the Parliament to carry out a general review of services in some areas, with special reference to the specific local case which prompted their concern.

Again, it can be possible to find indirect ways to make the Parliament consider aspects of reserved issues. For example, although the Parliament does not have powers on military issues, it does have responsibility for health matters in Scotland. PE364, from a representative of Scottish CND, takes advantage of this to request that the Parliament review the procedures in place for responding to nuclear submarine accidents in Scottish waters: these health and safety procedures are under the control of the Parliament.¹⁷ If successful, this petition could further CND's campaign by raising awareness of the possible dangers of nuclear accidents, without straying directly onto issues reserved to Westminster. Both the Parliament and the Scottish Executive seem wary of taking up this petition, however, presumably because of its controversial content!¹⁸

Challenges faced by the PPC

Although there is much satisfaction among petitioners about how they are received and treated by the PPC, there is less satisfaction with the way petitions are dealt with once they are referred on to the subject committees of the Parliament. As mentioned above, the PPC loses ownership of the petition once it has been passed on: responsibility for dealing with the petition and communicating with the petitioner falls to the subject committee receiving the petition. The PPC has very limited resources: its current clerking staff amounts to just under 1.5 of a full post (PPC(b)). Although the committee tries to track the progress of petitions and questions lengthy periods of inactivity (see Procedures Committee 2001b), these limited resources make it hard for it to do this fully effectively: this is reflected in some inaccuracies in the official information stored about the progress of petitions. There are cases in which the PPC recorded that action had been completed on a petition which a subject committee later continued to consider (for example, PE187); there are a number of petitions which were considered by more than one subject committee but are not recorded as such; and the Convener of the PPC seemed unaware of cases in which petitioners had been asked to give evidence in person to the subject committees.

¹⁷ Information about completed petitions is passed to the National Archives of Scotland (NAS), in Edinburgh. At present, only a brief record of the progress of the petition is stored, along with some, but not usually all, of the supporting documents and correspondence. The PPC is currently considering whether to increase the amount of information stored in NAS.

¹⁸ Procedures Committee 2001b col. 1113. See note on PE227, below.

In the Conveners' Liaison Group - the meeting of all the conveners of Parliament committees - it was agreed that the conveners of subject committees could be asked, "as a courtesy" (Procedures Committee 2001b) to let the Convener of the PPC have first sight of the responses they propose to make to petitioners. This would be in order that the PPC could "flag up potential difficulties or the fact that the petitioner's concerns had not been addressed adequately" (Steve Farrell, Procedures Committee 2001b). However, only a minority of committees do this; some apparently resist the proposal strongly.

Some petitioners are dissatisfied with the way petitions are handled by the Parliament. One of the Polwarth traders who asked the Parliament to take action on youth crime in an area of Edinburgh spoke of feeling that nothing much came of the petition after the initial hearing by the PPC. The retailers had been advised to put in a petition by David McLetchie MSP, the Scottish Conservative party leader, after feeling that they had not been satisfied by their approaches to Nigel Griffiths MP, local Labour MP. The PPC recommended that the petitioners correspond with the Executive directly. The petitioners were disappointed by the process, feeling that the PPC, though sympathetic, took no action. This frustration was reflected among some of the petitioners invited to speak to the Procedures Committee's enquiry on the CSG principles. Petitioners claim that the process through which their petitions are dealt with becomes obscure and inaccessible once the petition leaves the PPC, and there are complaints of committees writing reports on petitions without speaking to the petitioner (Procedures Committee 2001b). PPC staff also claim that subject committees do not take evidence from petitioners, though, in response, other committee conveners have drawn attention to cases in which subject committees have met with petitioners.¹⁹

Although, as has been emphasised, it would be wrong to base an assessment of the PPC on a consideration of cases where petitioners were disappointed, there is a danger that if disappointment becomes widespread there will be a general loss of confidence in the system. Many of the wider benefits of the petitions system described above depend on there being general confidence in the workings of the system, together with an expectation that the petitions will be valued; these benefits will be under threat if confidence is undermined.

To avoid this danger, the PPC needs to make more petitioners satisfied. This would require the PPC to deal with more petitions, and increase the proportion of those petitions which have a successful outcome. If this is to happen the PPC must be strengthened in two respects: the committee needs more staff resources to support the handling of petitions; and the committee needs more political power to ensure that appropriate action is taken on petitions.

¹⁹ Procedures Committee 2001b, and personal information by Parliament staff.

PE227, on the National Trust for Scotland's policy for Glencoe, led to the Justice 1 committee taking evidence from the petitioner. At the time it was considered whether it was appropriate for a committee to take additional evidence from a petitioner, since additional evidence might entail the committee considering issues that were outwith the petition. So it may be that some committee members think that they actually should not be taking further evidence from petitioners, rather than simply being too busy to do so.

There are many ways in which this political power could be increased, but in general terms the two most workable options may be as follows:

(1) The PPC would retain ownership of petitions for as long as they are under consideration by the Parliament: it would have responsibility for seeing that they are dealt with properly by the committees or organisations to which they are sent, and would take responsibility for communicating with the petitioner.

(2) The PPC would be granted the powers to carry out its own inquiries on petitions where subject committees are unable.

The difficulty with both of these options, as the Convener of the PPC has pointed out (Procedures Committee 2001b), is that they involve the PPC working in areas which are the responsibility of the other subject committees. It is acknowledged that there is likely to be resistance on the part of other committee conveners to any such extension of the PPC's powers. Also, specifically regarding option (2), members of the PPC may not have the detailed knowledge of the subject committees needed to carry out effective inquiries, and there may be a danger that having a petition considered by the petitions committee could come to be seen as a second-rate alternative to having it considered by a dedicated subject committee.

However, these problems could be overcome. Representatives of the relevant subject committees could be appointed to join in any independent enquiry held by the PPC, so allowing the PPC to coordinate its work with the subject committee, and have the benefit of some of that committee's detailed knowledge. The PPC has itself been lobbying for an increase in its own powers, based in part on a visit to the German Bündestag petitions committee. The Bündestag petitions committee deals with 20,000 petitions a year, has twenty-nine members and over eighty staff, and has a basis in law. The committee carries out its own investigations into petitions, produces recommendations on how the petitions should be responded to, and takes on an Ombudsman role in supporting individuals who have grievances about government agencies. The Bündestag petitions committee does not refer petitions to other subject committees, but does involve those committees in its work (PPC(b)). The fact that the system works in Germany indicates that a similar system could work in Scotland; however, to strengthen the powers of the Scottish system will require more resources.

Assessment

The role of the PPC seems strangely restricted: much of its work involves passing petitions to appropriate subject committees, and gathering preliminary information to assist those committees in their inquiries, or to vet the petitions beforehand. This sort of work could conceivably be done by

clerks directly, without political input from MSPs: it should be a relatively simple matter to decide whether the subject of a petition falls within the remit of a given committee or public institution. Neither the Standing Orders, nor the CSG report, see the PPC's role as limited in this sense (see section 1, and CSG report: 78). Further, much of the success of the PPC stems from the ways in which it has stepped outside this limited role, by welcoming petitioners and lending political weight to their petitions.

The low level of resources available to deal with petitions currently stands in the way of the committee promoting itself more widely: the committee has been wary of advertising itself further for fear of stimulating a flood of petitions with which the Parliament would not adequately be able to deal.²⁰ Wider promotion, however, seems necessary if the petitions process is to chalk up successes, build greater public confidence, and establish itself as indispensable to the Parliament; and promotion must be backed up by increased resources. The PPC has certainly helped people to participate in the democratic process. Whether the PPC receives the resources to deal with more petitions depends on whether the benefits of such participation are thought to warrant diversion of resources from other areas of the Parliament's work.

In conclusion, the petitions process of the Parliament has started off well and has great potential for development. The problems that need to be overcome include the weak powers of the committee, its low level of staffing, and the lack of use of the system by ethnic minorities and women. It has scored notable successes in allowing people from all over Scotland to participate, and in stimulating legislation on issues that are important to certain communities but might find it difficult to get attention in the normal sweep of Executive policy making. And, finally, it is very valuable to have a committee of MSPs who will guarantee petitioners a sympathetic initial hearing. The conclusion of the Audit project is that the committee is a success, and needs strengthening.

²⁰ John McAllion MSP, speech to Scottish Civic Forum "Participation Matters" conference, December 2001.

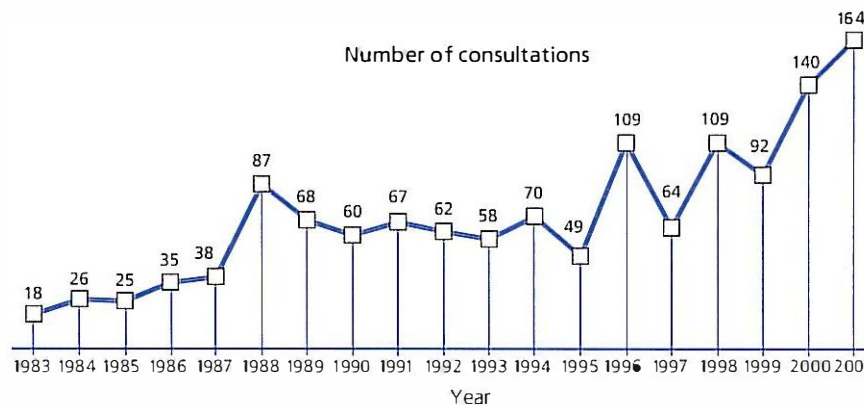
3

CONSULTATION AND THE SCOTTISH EXECUTIVE BILL MAKING PROCESS

Introduction

The Scottish Executive is the team of Ministers who have responsibility for developing public policy in Scotland and making sure that it is implemented, plus the civil service which implements the decisions of those Ministers. Many civil servants are honestly committed to greater public participation and some important steps have been taken in this direction. In February 2001 a dedicated Civic Participation Unit was set up within the Executive's Central Research Unit, with a remit to commission and coordinate research on including wider society in the Executive's activities. Following the recommendations of the Consultative Steering Group, the Executive also provides funding for the Scottish Civic Forum, and in October 2001 signed a concordat with the Civic Forum committing each to work with the other to promote participation in the policy making process. A compact between the Executive and the voluntary sector has also been established, which includes requirements on consultation for developing legislation and ways in which voluntary organisations and the Executive will work together. These examples illustrate ways in which the Executive seems to take public participation seriously. But most tellingly, records in the Scottish Executive Library indicate that the level of consultation has increased massively in recent decades, from 18 recorded as carried out in 1983, to 67 in 1992 and 164 in 2001.²¹

Table 1. Consultations carried out by the Scottish Executive



Source: Scottish Executive Library

These examples and statistics, however, do not establish that there is an ethos of participation throughout the Executive. The Executive is a large organisation and these examples are isolated. The fact that more consultations are carried out does not necessarily show that there is more participation in the development

²¹ Records cannot be guaranteed to be completely accurate: it is possible that some consultations may have been carried out but not recorded.

of policy. More detailed information would be required to determine how many people are responding to the consultations, the quality of the responses, and whether they are taken seriously by civil servants.

The aims of this chapter are to set out the basic structure of Executive Bill making process and highlight the main opportunities for public participation in it.²² Every Bill is different, however, and few fit this basic structure exactly, so this description of the basic structure will be illustrated by reference to two case studies of Bills produced by the Scottish Executive Health Department. These studies are not representative of the Executive as a whole: it should be born in mind that there are variations in practice across the Executive. It is also important to note that a great deal of the Executive's policy is implemented by administrative means without the need for legislation.

The Executive Bill making process

Early involvement in the development of a Bill has more chance of success.

This is for two reasons:

- Ideas about how the Bill should work will be more flexible in the early days of its development
- There will be more time and opportunity available to press for changes.

The difficulty with getting involved early, however, is that it is not easy to find out in advance what the Executive is planning to do. Most people will hear about a developing Bill only when it is put out to consultation, and there have been complaints that even by this stage the ideas about how the Bill should work can be quite fixed (see survey, chapter four). The Bill making process is also complicated: to be able to participate effectively, knowledge is needed about the structure of the Bill process and how it can be affected. This section provides some of that information.

The process of creating an Executive Bill breaks into two parts: pre-Parliamentary, during which the Bill is developed by civil servants and Ministers in the Executive, and Parliamentary, during which the Bill is scrutinised and amended by MSPs.

Pre-Parliamentary development

The pre-Parliamentary development of a Bill can be split into five stages. For each stage, a description of what happens during it is given, followed by any evaluative comments.

1. Having the idea

The initial idea to create a Bill can come from many sources: personal commitment to an idea by a Minister, the need to respond to a pressure group; a commitment made in a manifesto; the report of a task group or public enquiry.

²² Not all Bills are produced by the Executive; Bills can also be submitted by Committees (Committee Bills), MSPs (Members' Bills) and private individuals (Private Bills). This Audit report deals only with Executive Bills.

2. Setting the policy options

The “policy options” are the different ways in which the aims of the Bill could be achieved. A team (called a Bill team) from the relevant department of the Executive is assembled to develop the Bill, and the first thing the Bill team will do is set out what the policy options are, possibly by seeking the advice of experts in the relevant field. The request for advice is often targeted at organisations identified by the Executive as suitable, and may not be widely distributed.

As it is here that the basic outlines of the Bill will be set, participation at this stage can be very important. However, it is not easy for members of the public or civic groups in general to influence what happens here. First, the requests for advice on the policy options are often sent out to specific organisations identified by the Executive as experts (though there are cases of Executive departments consulting more widely on the policy options). Second, even if groups or individuals wanted to break into this stage, they would have to know in advance that the policy is about to be developed, and this presents difficulties.

3. Consultation on policy options

Once the Bill team has set out the basic framework of the Bill it will issue a consultation document. Bill teams are not obliged to consult, although the Executive’s own Good Practice Guidelines (based on guidelines issued by the Cabinet Office) does call on them to do so. According to the Voluntary Sector Compact²³ the consultation period should not be shorter than twelve weeks. Civil servants and representatives from civic society agree that a consultation document should set out the different policy options available, and give the respondents enough information to make informed comments on the proposals. Responses to consultations are collated and a summary of responses passed to the Minister to take into account. The Executive’s good practice guidelines also call for a report on the consultation responses to be published, so that respondents can see how their comments were treated and how they fit into the bigger picture.

There are concerns that in many cases the Executive’s target of twelve weeks to respond is not met (see survey, chapter 3). On some occasions, organisations lack time to respond because of delays in circulating information around networks in society; on other occasions, though, the Executive does fail to meet its own target for consultation periods. There are also concerns that many consultation documents are issued which do not clearly set out the policy options and give the relevant background information. There is no publicly available information on how seriously responses are treated by the Executive.

23 This is the formal agreement between the Executive and the voluntary sector on working in partnership.

4. Detailed policy instructions written

The policy is then revised and refined in the light of the consultation responses, and the Bill team sets out the detailed instructions as to how the Bill will work. The solicitors and legal draftsmen on the team translate these instructions into the legal terminology in which the Bill will finally be written.

Members of the public should not be put off by the closure of the consultation period. It takes time for consultation responses to be written up, and Bill teams may be happy to take consultation responses after the deadline. Copies of consultation responses held in the Scottish Executive library suggest that Bill teams do often accept late responses. During the writing of the detailed policy instructions Bill teams may also welcome outside help, and may welcome input from community groups.

4A. Consultation on draft Bill

Sometimes a further consultation may be carried out on the draft Bill produced at this stage. If this is carried out, the consultation responses are collated and the Bill may be revised in line with them. Consultation on a draft Bill gives people more time to prepare their arguments and positions once the Bill arrives in Parliament, and, officials suggest, can improve the quality of the debates at later stages.

5. Bill finalised and submitted to Parliament

The Bill is then checked by Law Officers and the Presiding Officer of the Parliament, and is submitted to the Parliament with a number of accompanying documents, including:

A **statement** that what the Bill seeks to do is within the powers of the Parliament.
A **financial memorandum** setting out the estimated costs of implementing the Bill.
A set of **explanatory notes** summarising what the various parts of the Bill aim to do, and giving any other information needed to explain the Bill.

A **policy memorandum** which sets out

- the goals that the Bill is meant to achieve
- whether alternative ways of reaching those goals were considered, and if so why the approach in the Bill was taken
- details of any consultation undertaken on the Bill
- an assessment of the effects of the Bill on equal opportunities, human rights, island communities, local government and sustainable development.

Of these, the explanatory notes and the policy memorandum are the most useful documents for community groups who want to understand the Bill. The Bill itself is written in legal language and will tend to be hard to understand. However, groups who want to influence the development of a Bill, as opposed to just keeping themselves informed, may need to read the Bill itself, as the accompanying notes do not go into full detail about how the Bill works.

Parliamentary development

The Parliament now takes ownership of the Bill and has responsibility for scrutinising it and amending it. The Parliamentary part of the Bill process has three stages.

Stage 1: Consideration of the Bill's general principles

The Bill is passed to the relevant subject committee of the Parliament, which takes responsibility for considering and writing a report on the general principles of the Bill (the committee is called the "lead committee"). In some cases, other committees of the Parliament may also be involved and will report on aspects of the Bill to the lead committee.

The Parliament as a whole then considers the principles of the Bill in the light of the committee's report, and debates whether to agree to those principles. If it does, the Bill moves to Stage 2. Standing Orders require there to be a gap of seven sitting days between the end of Stage 1 and the start of Stage 2.

The process of writing the report on the principles of the Bill will be carried out in parallel to other committee business and can be a very demanding process. The lead committee must decide whether the Bill is really needed and whether it has been adequately costed; it is also required to take a view on the contents of the policy memorandum, including whether the Bill has been adequately consulted on. The committee may also have to teach itself about the subject of the Bill, and for very technical Bills may ask for help from outside organisations. This can present useful opportunities for civic groups to get involved.

The timetable for a committee to carry out this work is set by the Office for the Minister for Parliament, in consultation with the clerks. The deadline for completion of the stages of the Bill process is constrained by the Parliamentary Bureau which sets the dates by which each stage of the process must finish. Committee clerks can appeal to the Parliamentary Bureau for more time, but some officials report that their appeals are rarely successful. The office of the Minister for Parliament says, however, that in view of the work load on committees, the time allowed for committees to complete Stage 1 of the Bill process has been generally increased from the original six to eight weeks allowed, except in the case of very simple Bills.

Stage 2: Consideration of the details of the Bill

The lead committee (or, in some cases, a committee formed by the whole Parliament and chaired by the Presiding Officer) considers each section of the Bill in turn, along with any relevant amendments. Once the Bill has been scrutinised and relevant amendments made, it is reprinted and this stage ends. Standing Orders say that there must be a gap of nine sitting days before the start of Stage 3 if the Bill has been amended; otherwise four.

The committee can decide the order in which it considers the parts of the Bill, perhaps taking particularly controversial aspects first, so people seeking to have amendments lodged (see section on amendments, below) should not assume that they have extra time to work out amendments to the later stages of the Bill. Also, for very simple Bills, standing orders can sometimes be suspended to allow Stages 2 and 3 to be taken together in a single day.²⁴

Stage 3: Decision on whether to pass or reject the Bill

This stage is taken at a meeting of the whole Parliament. Amendments can be lodged at this stage, and the Presiding Officer selects which amendments will be considered from those put forward. The Presiding Officer does not have to justify his decision, and will make the selection based on political balance, the history of the debate so far, and whether he feels that issues have been exhausted. Once the amendments have been dealt with, the Parliament debates the motion that the Bill be passed. If the motion fails the Bill is rejected. It is possible for Bills to be referred back to the committee at this stage, although this did not happen in the first two years of the Parliament.

Amendments

Bills can be amended at Stages 2 and 3. Amendments have to be lodged by an MSP, so members of the public or community groups should build up a relationship with an MSP who is favourable to their proposed amendment. At stage 2, amendments must be lodged no later than two sitting days before the section of the Bill they seek to amend is to be considered. Amendments can be lodged after that time (these are called “manuscript amendments”) but only with the agreement of the convener of the lead committee. At Stage 3, amendments must be lodged three sitting days before the relevant section of the Bill is considered, with manuscript amendments being accepted only by agreement with the Presiding Officer.

An amendment is inadmissible if

- it is not in the proper form decided on by the Presiding Officer
- it is not relevant to the parts of the Bill it seeks to amend
- it is inconsistent with the general principles of the Bill as agreed by the Parliament
- it is inconsistent with decisions already taken during the stage in which the amendment is proposed.

Clerks have the job of identifying inadmissible amendments. The requirement that amendments must be consistent with the general principles of the Bill is meant to block “wrecking amendments”, amendments that would totally undermine the way the Bill is meant to work. Sometimes MSPs lodge “probing amendments” which are amendments designed to draw out what the Executive’s position is on some aspect of the Bill, and which are then withdrawn

²⁴ For example, the Police and Fire Services (Finance) (Scotland) Bill.

Once all the amendments are in, the clerks prepare a list in the order in which the relevant sections of the Bill will be considered by the committee or the Parliament (called a "marshalled list"). The convener or Presiding Officer may group amendments into themes for the purposes of debate, with one amendment in the group chosen as the lead under which the rest are discussed.

The fact that amendments have to be lodged through MSPs can create potential problems for people seeking to participate. Civil servants and others warn that the Executive has to be wary of amendments proposed by opposition parties, for fear that, if it accepts them, the opposition will be able to score political points. There is evidence that public groups are aware of this, and prefer to lobby the relevant minister and civil servants rather than opposition parties in seeking amendments (Tosh, papers to Procedures Committee 2001a).

Due to the work pressures on MSPs and Parliament staff, amendments are more likely to be received favourably if they can help ease their work load. Parliament officials suggest that civic groups should not couch their proposed amendments in the legal language used in the final Bill, as the amendment becomes harder to understand, and will anyway have to be checked and possibly corrected by the clerks or the legal draftsmen in the Bill team. Proposed amendments also stand a better chance of being accepted if they are submitted along with supporting arguments that the sponsoring MSP can use in defending the amendment in debate.

Case Study of the Community Care and Health Act

The following two parts illustrate how the Bill making process happens in specific cases. The aim of these parts is to illustrate the Bill process and draw attention to the ways in which public participation contributed to the development of the Bill. The two case studies are not meant to be representative of the Executive overall; first, because the Executive is too large to be captured in studies of one or two pieces of legislation and second, because both Acts are particularly unusual.

The Community Care and Health Act

The Community Care and Health (Scotland) Act 2002 (CCH Act) is one of the most popular pieces of legislation passed by the Parliament. Among a series of provisions designed to improve community care, the Act lays down that personal care for older people shall be provided free of charge. Although the CCH Bill introduced legislation in many areas, this case study looks particularly at the debate surrounding free personal care. The political process through which this came to be included in the Bill was the most dramatic part of its early development, and one of the most dramatic moments in the Parliament so far. A member of an older person's group in Fife told the Audit project that

she thought the Act was “one of the greatest things that’s ever happened.” An adult education group in the Borders, whose experiences with the Scottish Borders Council had left them on the whole extremely critical of the Parliament, moderated its criticism when it came to discussion of the Act: one member of the group called the Act “the one good thing they’ve [the Parliament] done.”

Parts 1 and 2: Having the idea and setting the policy options

The CCH Act has a long history. The policy memorandum which accompanied the Bill to Parliament refers to four reports which formed the contents of the Bill. These were as follows:

i. The Royal Commission on Long Term Care.

In 1997 the UK government set up a Royal Commission, headed by Sir Stewart Sutherland, to report on options for the long term care for older people. The Commission’s report (generally known as “the Sutherland Report”) made a number of recommendations including that personal care should be provided free at the point of delivery.

ii. The Scottish Parliament Health and Community Care Committee report on Community Care

From October 1999 to 28th November 2000 the Health and Community Care Committee conducted an enquiry into community care, sometimes glossed as a “Scottish Sutherland.” Among many recommendations, the Health and Community Care Committee held that personal care should be provided free of charge.

iii. The Report of the Joint Future Group

This was a group of representatives from local authorities and the NHS, convened by the Executive to improve partnership working between agencies and improve services for people needing care. It published its report November 2000.

iv. The Report of the Chief Nursing Officer for Scotland’s Group on Free Nursing Care

This was a group convened by the Chief Nursing Officer with the remit to report on the issues relating to providing nursing care free of charge. The group reported December 2000.

As well as these, the Explanatory Notes to the Bill also refer to the Executive’s *Strategy for Carers in Scotland* (November 1999) and the Executive’s decisions in response to the *Report of the Scottish Carer’s Legislation Working Group* (January 2001) as important in shaping the content of the Bill.

The UK government responded to the Royal Commission’s report in July 2000, agreeing to many of the recommendations but, notably, not the one on free personal care.

The Scottish Executive's Position

The UK government responded to the Royal Commission's report in July 2000, agreeing to many of the recommendations but, notably, not the one on free personal care. The Scottish Executive responded to the Commission's report in October 2000, and following the UK government, turned down the recommendation that personal care should be provided free, arguing, in public at least, that the expense of providing free personal care would compromise other areas of health provision and provide benefits only to a small number of affluent pensioners.

The Executive responded to the other three reports in January 2001, agreeing with the recommendations of the Chief Nursing Officer's Group and the Joint Future Group, and many of those of the Health and Community Care Committee. However, although it committed itself to legislating in a number of areas, it still stopped short of a commitment to free personal care.

The Executive's refusal to implement free personal care led to an intense political and public debate. Campaigning groups had been involved in the process leading up to the creation of the CCH Bill right from the start. Age Concern had conducted independent research on the possibility of providing free personal care as part of its submission to the Royal Commission, and had campaigned to have the Commission's recommendations implemented in full. Age Concern Scotland had submitted a public petition with almost ten thousand signatures on long term care for older people in January 2000 (PE77). Age Concern, Help the Aged, Alzheimers Scotland and others had formed a coalition to press for the full implementation of the recommendations and had organised demonstrations, media work and lobbying of the Executive. This campaigning intensified at the beginning of 2001. The Confederation of Scotland's Elderly submitted a further public petition at the end of January calling for free personal care (PE335), although this was in fact considered by the Public Petitions Committee after the Executive had made a commitment to changing its policy.

Under huge pressure, the then Minister for Parliament, Tom McCabe, announced a change in the Executive's policy just minutes before a vote on the issue which the Executive might have lost. (Official Report 2001 Vol.10 No.6 Col.695) Opposition parties claimed that this was a last minute backing down by the Executive faced with a possible defeat in the Parliament; the Executive claimed it was listening to public opinion.²⁶ The Minister for Health and Community Care subsequently announced the remit for a group tasked with reporting on ways in which free personal care could be implemented (the Care Development Group).

²⁶ MSPs later suggested that the then First Minister, Henry McLeish MSP, had pushed through the change in policy against opposition from within his own party. (Official Report Wednesday 6 February 2002 Col 6107.) McLeish later affirmed that he had supported the free personal care from the beginning.

Part 3: Consultation on policy options

The CCH Act is unusual in having its roots in a number of wide ranging studies, many of which also involved public consultation, and in such an intense public debate. Most of the contents of the Bill stem from these reports, and as a consequence the policy options were set quite firmly by the time the developing Bill was put out for consultation.

With the general outlines of the Bill in place, the Scottish Executive Health Department carried out four consultations on the details. These were:

- i. The Care Development Group's programme of public engagement on implementing free personal care
- ii. The consultation document *Better Care for All Our Futures* (April 2001 to 15th June).
- iii. The consultation document Carers' Legislation, seeking views on the recommendations made by the Carers' Legislation Working Group (11th April to 6th July).
- iv. Consultation on doctor's regulatory arrangements (June to 13th July) (The decision to include this as part of the Bill appears to have been made late, as the consultation document apologises for the short notice of the consultation, citing the short timescale for the introduction of the legislation, and the existence of prior consultation as excuses.)

Apart from these written submissions, the Bill team also had informal meetings with large representative organisations, such as CoSLA, which already had links with the Executive. Civil servants say that the aims of these meetings were primarily to explain the Executive's proposals so that the consultation responses were well informed. Too much consultation took place for the Audit project to comment on it all, but it is worth picking two areas to look at in more detail.

1. Better Care for All Our Futures (April 2001 to 15th June).

This was sent out as a consultation document, and placed on the Scottish Executive website, the latter receiving around 10,000 hits. It was produced and requested in large print, Braille and audio tape. Eighty-five responses were received from individuals and organisations; these included twenty-three from local authorities and sixteen from NHS bodies, plus voluntary organisations, carers, and carers' representative groups and other providers of services.

2. The Care Development Group's programme of public engagement.

The Care Development Group was a group composed mostly of health and social care professionals and relevant academic interests, tasked specifically to draw up costed proposals for providing free personal care. The then Deputy Minister for Health and Community Care, Malcolm Chisholm MSP, chaired the group and the Executive provided secretarial and research support. The CDG

had to work very quickly, as the Executive had set a very demanding deadline for the introduction of the Bill to Parliament. A large amount of research was commissioned through the Executive's Central Research Unit,²⁷ including a programme of public engagement in four parts.

i. Questionnaire consultation

This was an open ended questionnaire asking for views on areas including:

- the quality of available services
- how "personal care" should be defined
- how care should be provided
- how available resources should be deployed
- what the key challenges are, short and long term
- how care provision should be paid for

The consultation was advertised in national newspapers in April 2001, and around 700 questionnaires were sent out, giving rise to 312 responses (CDG report p80).

ii. Public meetings

Five public meetings were held, in Ardrishaig, Edinburgh, Dumfries, Glasgow and Inverness. The report says that the meetings were mainly used to listen to views, though the members of the CDG also answered questions where necessary.

iii. National telephone survey

System 3 and MORI surveyed 2,354 individuals by telephone, who fell into one of two categories: aged 50+ or identifying themselves as informal carers.

iv. Focus group research

Scottish Health Feedback and Queen Margaret University College conducted focus groups in the categories of:

- Carers' organisations
- Younger people (aged 35-50)
- Older people
- Older people in nursing and residential care homes
- Older people using day care services
- Older people in day hospitals.

A summary of all the findings was published in an appendix to the CDG report, and most of the research was presented in more detail in a separate research volume. The four separate methods of gathering evidence allowed the CDG to get around the limitations of any one method. The questionnaire, for example, was open ended and so allowed scope for unexpected answers; but because of this open ended character it was not a useful tool for assessing the

²⁷ Published as Providing Free Care for Older People: Research commissioned to inform the work of the Care Development Group, Scottish Executive Nov 2001.

actual level of support for a course of action or deciding between competing priorities. The telephone survey corrected for this, by asking specific questions which could be used to rank priorities for action (CDG report: 86ff). However, neither the telephone survey nor the questionnaire were suitable tools for gathering the views of service users. The telephone survey sample did not include older people currently in residential and nursing homes, and the vast majority of responses to the CDG questionnaire came from service providers and professionals (see below). The focus group research went some way towards correcting these problems.

Table 2. Breakdown of responses to CDG questionnaire



Total: 311. Source: CDG report

Finally, neither the focus groups, the survey nor the questionnaire met the aim of educating the public about the proposals being considered. This was partially addressed by the public meetings, in which CDG members spent some of the time answering questions from the public (CDG Report: 81).

The Executive took a deliberate decision not to put forward specific proposals on how to implement free personal care. Civil servants say that there had been accusations that the Executive was seeking to restrict the focus of free care, and that the aim of the consultation exercise was to gauge the public's perception of what the policy should be in practice.

Overall, the CDG ran a very effective programme of public engagement; this is born out by the positive response to its recommendations. However, although the open ended design of the questionnaire allowed a wide range of responses, it seems to have confused some respondents. All responses looked at by the Audit project²⁸ were comfortable giving views on the quality of available services and the definition of "personal care": the responses provided to these questions are generally focused, and some clear themes emerge. It seems that respondents had more difficulty giving views on how care should be provided, or on what the future challenges are for community care. It is harder to distinguish clear themes in the material produced, and some of the views expressed are too vague to be helpful. The CDG report comments that one of the key challenges identified was "the need for more accessible and better quality services for older people": but this is an unhelpful suggestion, given that the identification of this need was what prompted the creation of the Bill

²⁸ The Audit project looked at a sample of 65 responses drawn randomly from the 312 received by the CDG and held in the Scottish Executive library.

in the first place. Again, responding to the question on how care should be provided, one theme in the comments calls for a range of expert services to enable the individual to remain in an environment which suits their needs: again this could largely be taken as read. A minority of respondents declined to answer some of the questions, saying that they did not have the expertise, or that they did not understand the questions.

These relatively unhelpful responses illustrate a problem with open ended questions in consultations. If a lot of detail is provided on the available policy options, answers will tend to be more focused but complaints will arise that the agenda has been set in advance. If little detail is given, a wider range of answers will be returned, some of which will likely raise new and unexpected issues, but others may be too unfocused to be useful. Ultimately, the problem of deciding on the correct balance between these two extremes is one that will have to be taken on a case-by-case basis by the Executive. However, a suitable balance is more likely to be reached if the Executive has enough time to plan the questionnaire, and if it can make use of advice from groups outwith the Executive who may have a better idea of how the consultation document will be received.

Parliamentary development

With all the consultations complete, and the report of the CDG published, the Bill was published and introduced to the Parliament, though it had been submitted to the Parliamentary authorities three weeks before this. The Executive Bill team stayed active in informing people about the Bill, however, inviting those organisations that responded to the *Better Care for All Our Futures* consultation to a seminar on the Bill, briefing the relevant clerks of the Parliament and holding meetings with large bodies such as CoSLA, the NHS, the Association of Directors of Social Work, and others. Lobbying of the minister and the Scottish Executive Health Department continued throughout the Bill's Parliamentary passage.

The main objectives of the Bill, as set out in the Policy Memorandum, were:

- To provide free nursing care and free personal care for older people
- To promote consistency in charging for non-residential care
- To promote greater choice in residential care options (including allowing people to contribute towards a more expensive care home, and to choose care homes in the rest of the UK)
- To allow deferred payments of accommodation costs and other services not provided free
- To allow direct payments of funds to service users to allow more flexibility in choosing services
- To give informal carers, including those of disabled children, a right to an assessment of their needs at any time
- To set up a framework for joint working between health and social care providers
- To improve the regulation of assistant, locum and other GPs.

The Health and Community Care Committee was appointed the lead committee on the Bill and conducted an enquiry on the general principles of the Bill. Having previously conducted an enquiry into community care, the Committee had already built up knowledge and expertise in this area, which helped it in examining the CCH Bill. The Committee took evidence from a number of individuals and organisations (see below) and requested sight of the written responses to the CDG questionnaire consultation. The Health and Community Care committee took evidence from:

- Lord Sutherland of Houndwood
- Previous members of the Care Development Group
- Royal College of Nursing
- Carers Scotland
- Royal College of GPs
- Age Concern Scotland
- Association of Health Boards' Chief Executives
- UNISON
- CoSLA
- Community Care Providers Scotland
- Scottish Executive

The Committee had concerns that the Bill did not state its overall principles, and that the implementation of free personal care, including the way it was to be defined, would be by regulation, rather than set out in primary legislation on the face of the Act. Regulations are secondary legislation that can be varied by Ministers without having to go through a Parliamentary process as stringent as that required for an Act of the Scottish Parliament. It seems that the Executive had decided to use regulations to implement the policy on free care so that it had flexibility in responding to the CDG's recommendations on how it should be provided. However, the Committee worried that the use of regulations would leave open the possibility that future governments might be able to stop providing free care. The Minister argued, in evidence at Stage 1, that a change in regulations has to be agreed by the Parliament, and that this would be a defence against the possibility that the policy on free care might be dropped in the future. The Parliament, however, only has the power to accept or reject proposed regulations, not to amend them, and the Committee was concerned that this would give future Administrations the upper hand in any possible battle.

Amongst other things, then, the Committee's Stage 1 Report called for the Minister to amend the Bill to include a definition of personal care, to make legally binding the requirement to provide such care free of charge, and to include a statement of general principles in the Bill. In the Stage 1 debate on the Bill, the Executive committed itself to putting forward an amendment to include the CDG definition of personal care on the face of the Bill. These calls

became the subject of amendments at Stage 2, during which a definition of personal care and a legal commitment to providing such care for free were introduced into the Bill by Executive amendment. The Executive resisted, however, requests to include a statement of general principles in the Bill. Stage 2 also saw a probing amendment lodged by John McAllion MSP. This concerned extending free personal care to younger disabled adults, and was lodged on behalf of Community Care Providers Scotland. The aim of lodging the amendment was to draw out the Executive's position on free care for younger disabled adults. Once the discussion on the issue had been had, McAllion withdrew the amendment.

Debate around carers provisions was also a significant issue during the passage of the Bill. The lead Committee had concerns, following the evidence it received during Stage 1, that the Bill as introduced did not address some of the issues raised by the Carers Legislation Working Group. The Committee particularly wanted the Bill to incorporate the Group's vision of "carers as key partners in care", and to ensure that the NHS was more directly involved in supporting carers. At Stage 2 the Executive sought to respond to the Committee's concerns by tabling amendments intended to give force to the Group's vision. These amendments required local authorities to inform carers that they had a right to have their needs assessed, and to take into account the care provided by a carer, and the views of the carer and person cared for, before deciding what care the authority should provide. The amendments were passed by the Committee, although the Committee also continued to press the Executive for assurances about the involvement of the NHS in supporting carers. At Stage 3, MSPs who were members of the Committee tabled two amendments intended to engage the NHS in supporting carers. The Executive recognised the Parliament's wish to legislate on this issue, and offered revisions to one of the amendments intended to make it more workable. This revised amendment, giving Ministers the power to require NHS Boards to prepare and publish carer information strategies, was passed by the Parliament.

The Bill was passed unanimously by the Parliament on Wednesday 6 February 2002 and received Royal Assent on 12 March 2002. The Act is being brought into force in stages from 13 May 2002, with the provisions on free personal and nursing care coming into force on 1 July 2002.

Case study of the Regulation of Care (Scotland) Act

On 31 May 2001 the Parliament passed unanimously the Regulation of Care (Scotland) Act, which legislated for the creation of two new independent bodies to regulate the delivery of care and social services. This section provides information about the process leading up to that Act.

The formal process of creating the Bill began with the publication of the White Paper *Aiming for Excellence* by the Scottish Office March 1999, though a number of other consultations and studies had already been carried out. *Aiming for Excellence* stated the Scottish Office's proposals for the future regulation of care services, and, even though it was not formally issued as a consultation paper, the Scottish Executive Health Department received around fifty responses. *Aiming for Excellence* announced intentions to legislate to address problems including:

- the lack of independence of social work regulation
- the different standards in place in different local authority and health board areas
- the lack of integration of services
- the need for comprehensive formal regulation of the social care workforce
- what was seen as an increasingly anachronistic legal difference between residential care and nursing care.

Initially the planned legislation was envisaged as focusing only on care services but the remit of the proposed regulatory bodies expanded during the development of the Bill. The initial proposals for the Bill were fairly general; the Bill team said that it began with a rough outline of the legislation and invited contributions as to how to develop that outline.

A Reference Group was set up composed of Ministerial nominees reflecting the different areas that the proposed legislation would cover. This group guided the development of the Bill and informed the development of the consultation paper, entitled *Regulating Care and the Social Services Workforce: A Consultation Paper*, which was issued in December 1999. This paper asked specific questions to fill in the areas referred to in *Aiming for Excellence*. The consultation paper was made available in tape format in response to requests, with about twenty tape editions being issued. Ensuing documents produced by the Regulation of Care Bill team were produced on tape automatically. The consultation document was sent out to a mailing list involving local authorities, health boards, and private, voluntary and charitable organisations. It produced around two hundred responses, mostly from local authorities, non-governmental organisations, charities and some individuals.

The Bill team also produced a newsletter to keep people informed about the development of the legislation; this was distributed to approximately sixteen thousand people, especially staff in existing regulatory authorities who might be directly affected by the proposed new arrangements. The newsletter was used throughout the development of the Bill to involve people in the process, highlighting key stages in the development of the legislation, inviting comments, addressing staff transfer issues, and helping to identify the areas in which

secondary legislation would be needed. Members of the Bill team said that as the process developed the newsletter changed from setting out policy issues to functioning more as a progress report. The Bill team started off by cascading the newsletter through networks and organisations, but as the mailing list developed it was sent direct to care homes: possibly, members of the team estimated, every care home in Scotland.

The Bill team also set up a website which dealt with issues substantially similar to those in the newsletter. The website was intended in part to address concerns that by the time the newsletter reached some people the information it contained was out of date. The website was also intended both to be a route whereby questions could be directed to the Executive for the policy team to answer and a way of promoting discussion and communication among people who would be affected by the change in policy. It received fifteen thousand hits in the first month.

After the consultation responses came in, there was a period of analysis. The consultation had been intended to develop the policy in a relatively free manner, rather than having respondents select between pre-set options. Consultation responses highlighted the lack, at that stage, of plans to afford the Commission appropriate powers for enforcement. The responses on this and a number of other points were considered and led to changes being made to the policy as set out in the position paper, *The Way Forward for Care*, published in July 2000. Twenty-seven seminars on the Bill also took place around Scotland.

The Bill was introduced into Parliament in December 2000. Due to time pressures, and in view of the depth of the consultation which had already taken place, no draft Bill was published. The Bill made its way through Parliament with some changes being made at Stage 2 regarding issues that had not been included at Stage 1 for lack of time: for example, proposals relating to adoption and fostering. The main issues at Stage 1 concerned ways in which the remit of the Commission could be expanded, but the Bill team did not consider that any serious problems were raised.

More amendments were proposed and accepted at Stage 2. The Health and Community Care Committee, for example, had thought that the proposed statutory requirement for one inspection a year did not go far enough and suggested two inspections, which was accepted by the Minister. The Minister and Bill team met with the committee at the end of this stage to discuss all the amendments and to set out what was intended for stage 3, during which there was further redrafting of the proposed amendments. Lobbying of the Health and Community Care Committee by interest groups led to regulation of child care agencies being included in the Bill.

At Stage 3 a controversial issue was raised by Richard Simpson MSP concerning whether the commission would have the power to monitor the contractual arrangements into which care providers entered. This expansion of the commission's role was resisted by the Executive and there was a vote on the issue which went in favour of the Executive. After this the Bill was passed unanimously and received Royal Assent in July 2001.

It is clear that a lot of work went into promoting participation in the development of this Bill. This was made possible because the Executive dedicated a large team exclusively to the development of the legislation. Under normal circumstances, civil servants have to fit the development of the Bill around other work. However, it was recognised that in this case a great deal of work would be involved in designing the Bill. The proposed Commission for the Regulation of Care would be large, involving five hundred people, and a huge amount of legislation needed to be amended to bring it into being. Furthermore, Scotland was not following England's lead in the detail of the policy so it was not able to avail itself of work done in other areas.

The Bill team consisted of about forty people, and the expense of maintaining such a large dedicated staff team meant that it was only sustained for eighteen months. The extent to which this team was able to engage the public in the development of the Bill shows the advantages of having well resourced, dedicated legislative teams; however, it also highlights how expensive and resource-intensive it can be to support public participation. The Executive is currently evaluating the process of the creation of the Regulation of Care Act, and will presumably come to a decision on whether the quality of the legislation arrived at through that intensive and participatory process justifies the dedication of similar resources in the future. It is not yet known whether this model of working will be commended for future use. It could well be argued, though, that the benefits of getting legislation right first time through a more demanding process outweigh the added expense. A rushed piece of legislation may have to be revisited; a more thoughtful one will not.

4

SURVEY OF SCOTTISH CIVIC FORUM MEMBERS

This chapter presents the findings of the survey carried out by the Audit project on the membership of the Scottish Civic Forum.

General information on the Civic Forum

The creation of a Civic Forum was recommended in the CSG report, following lobbying by civic organisations, especially those involved in the Scottish Civic Assembly, which included a number of groups that had campaigned for the Scottish Parliament. The relevant section of the CSG report reads:

“It is important that our proposals for a more open political process are paralleled by the development of appropriate institutions at different levels in Scottish society, to ensure meaningful dialogue between the Parliament and civic society. In this respect, we welcome proposals which were presented to us for a Civic Forum, which would be facilitative, recognise the plurality of voices and groups and take an active role in ensuring the effective involvement of groups traditionally excluded from the decision-making process.” (CSG: 7)

The proposal to establish the Forum was articulated to civic representatives at a plenary on the 20th March 1999. In October 1999 the Scottish Executive agreed to provide a limited amount of funding. The goals of Scottish Civic Forum are to:

- promote active participation in policy debate from all parts of Scottish civic society
- facilitate civic society's ability to influence the policy and decisions made by the Scottish Parliament and Executive and by other public bodies
- facilitate and encourage debate between civic society and the Scottish Parliament and Executive and between different parts of civic society
- seek to build strong links which enable an effective flow of information both to and from civic society and the Scottish Parliament and Executive and between different parts of civic society
- promote mutual understanding and exchange of ideas between Scottish civic society and civil society organisations elsewhere
- assist the Parliament by facilitating pre-legislative scrutiny
- promote active citizenship, including through education and training.

Structure

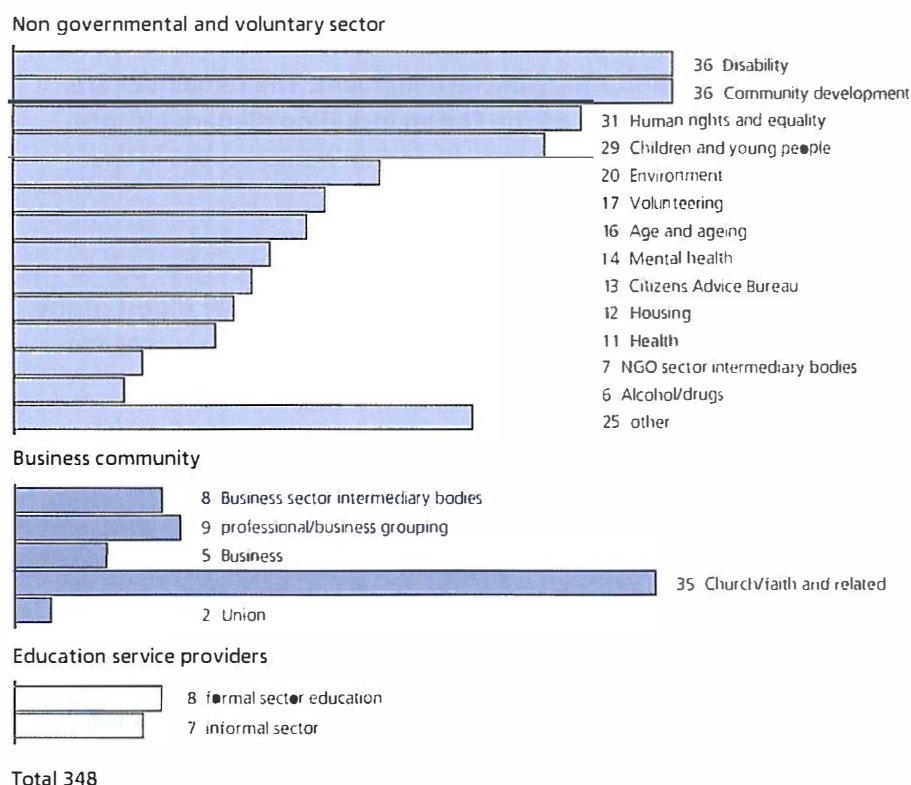
The Civic Forum consists of a set of organisations which join as members, and which elect a voluntary council representing various interest areas and a voluntary management board. There is also a staff team based in Edinburgh.

The Forum's constitution states that only organisations can be members of the Civic Forum. Statutory bodies, political parties and profit distributing companies are excluded from joining, as are individuals, but can affiliate to the Forum and take part in activities without having voting rights at the annual general meeting. Member organisations are required to have constitutions which are compatible with the Civic Forum's own, including a commitment to the principles of equal opportunities. Membership fees are linked to organisational income, but are waived in certain cases to allow small groups to participate.

Composition of membership

In September 2002 the Forum had 348 members. Based on membership information, 60% of members have gross incomes of under £100,000 per year. A general classification of current membership is as follows:

Table 1. Classification of membership by area of work



The work of the Civic Forum

The Forum divides its work into three areas:

1. Facilitating legislative participation

Making it easier for organisations to have an influence on debates and policies coming out of the Parliament and the Executive.

2. Promoting civic priorities

Working to increase the quantity and quality of debate on important social issues.

3. Auditing democratic participation

Assessing to what extent the hopes for more public participation in Scottish politics have become a reality.

The Civic Forum has carried out forty-one events since Autumn 1999. Twenty-four of these were aimed at the first strand of work, that is, making it easier for people to influence the development of legislation.²⁹ These events include a series of participatory meetings on sustainable development held in different parts of Scotland, discussion forums on developing legislation in areas such as Parents and Children, National Care Standards, National Parks and others. Eight events were aimed at the second strand of work, that is, increasing the quality and quantity of public debate on socially important issues. These include a public debate on education, and the launch of forums on equality and discrimination, and on sustainable development. The remainder are events focused on the workings of the Forum including plenary sessions, meetings with other civic forums in the UK and an annual event in the Parliament coinciding with its birthday celebrations.

The Forum distributes a fortnightly newsletter, *eVOX*, which goes out to the membership by electronic or conventional mail, and a regular digest of the activities of the Scottish Executive called *eLEG*. Both of these services are provided free to members.

The rest of this chapter presents the findings of the survey.

Results of the membership survey

Introduction

A postal survey of Civic Forum members was carried out in March 2002, with further responses sought in April and May. The survey was carried out in conjunction with Edinburgh University's Institute of Governance, which advised on questionnaire design and interpretation and received the responses to ensure anonymity where requested. Responses were sought from all organisations on the Forum membership list as of March 2002, minus those who indicated that they were ineligible to respond: in total, 341 organisations. 172 responses were received: a response rate of 50%. 32 returns came from outwith the central belt, roughly defined:³⁰

²⁹ This is only a rough division, since some events will fill two roles simultaneously. For example, the events on sustainable development fed into an Executive consultation process, but also count as debates on socially important issues. Events have not been double counted.

³⁰ For the purposes of this survey, "Central Belt" is defined as anywhere with postcode G, EH, FK, ML and KA. Roughly: Glasgow, Edinburgh, Stirling, Motherwell and Ayr. Appendix 3 gives a breakdown of the returns from outside this area.

The questionnaire consisted of quantitative and qualitative questions on the Parliament, the Executive and the Civic Forum. This chapter summarises the information received and provides a commentary on the responses. Many questions asked respondents to tick a response and give additional comments on their answer. Where additional comments were provided, they have been integrated into the commentary.

The survey was carried out on Civic Forum members because this is a group which actively identifies with aspirations for a changed political culture, and which explicitly counts itself as part of civic society. The views and experiences of the members of this group are therefore particularly interesting. Ideally, a full survey of Scottish society would be carried out to find out about its experiences of devolution, but this was beyond the capacity of the Audit Project, and would anyway not have revealed the detailed information about participation in democratic processes set out here.

The results are likely to be skewed due to self-selection of responses.

Comparing the information provided by respondents on their gross annual income with information held by the Forum on its membership suggests that the better resourced organisations in the Forum's membership were more likely to respond to the questionnaire. 53% of respondent organisations have income over £100,000, compared with 40% of the Forum membership over all. The information given below should be read with this in mind.

Table 2. Annual gross income of organisations responding

7%	zero
6%	above zero and under £1,000
6%	£1,000 to £9,999
9%	£10,000 to £49,999
19%	£50,000 to £99,999
15%	£100,000 to £199,999
38%	over £200,000
<i>Base 170</i>	

Membership organisations

Respondents were asked if they had members, and if so whether they involved their members in making responses to Parliamentary or Executive initiatives.³¹

Nearly four-fifths have members, with the number of individuals and organisations who are members of respondent organisations totalling over 250,000 (ranging from 2 to 71,000; average: 267, median: 100, mode: 100). 70% of respondents say that they do involve their members in political issues.

³¹ A *member* of an organisation was defined as: an individual, other than staff, volunteers or people on any management committee, who has some say over decisions made within that organisation, and who also receives other benefits such as newsletters, often in exchange for a fee.

Table 3. Number of membership organisations



Table 4. Activities to do with the Parliament and/or Executive



Forty-six respondents say that they have procedures through which their members are given opportunities to participate in the work of the Parliament and Executive. These mechanisms include:

- open meetings
- formal reports by local MSP or relevant Minister to respondent and its members
- use of an umbrella organisation to mediate contact between respondent and Scottish Parliament/Executive
- regular seminars, dinners, meetings for members and politicians
- email or postal collection of responses to consultation documents from members
- identification of a key group of individuals within the membership who participate in contributing to consultation documents
- encouraging their members to seek independent contact with MSPs to pursue the interests of the organisation.

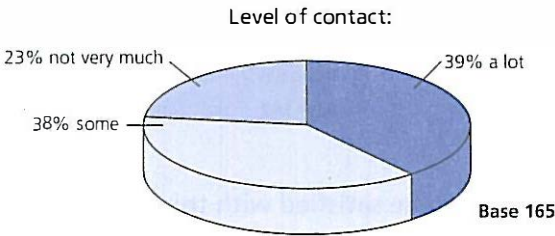
In summary, the Civic Forum membership identifies itself as part of civic society, is politically active and is linked into a very large network of active individuals and organisations. The membership is certainly not representative of the whole of Scottish society, but its experiences of participation in the work of the Parliament and Executive are particularly interesting.

Contact with government

This section gives information on respondents' general contact with government.

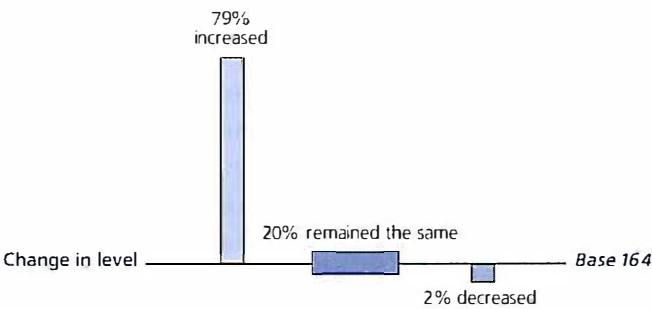
Respondents were asked to say roughly how much contact they have with government organisations. 77% said they had "some" or "a lot" of contact.

Table 5. Level of contact with government organisations



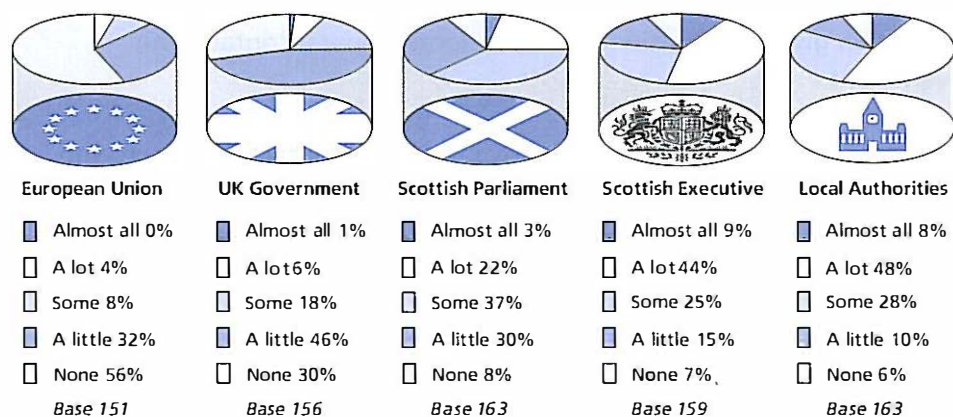
One of the aims of devolution was to bring government closer to the people of Scotland. This has clearly happened, with four-fifths of respondents saying that the level of contact with government organisations has increased since devolution.

Table 6. Change in level of contact with government since devolution



The survey asked respondents what proportion of the time they spend engaged in political work is devoted to which level of government. The results suggest that the level of contact is higher for more local layers of government. 56% of respondents say that they devote a lot or almost all of their political work to local authorities, compared to 25% to Parliament and only 4% to the European Union.

Table 7. Proportion of time in contact with levels of government



The majority seemed not to be satisfied with this level of contact with government organisations, however, with about two thirds wanting more contact.

Table 8. Desire for more contact with government

%	want more contact with government organisations?
64	Yes
36	No
Base 155	

The questionnaire asked those who wanted greater contact what stopped them from developing that contact. Lack of time is the main barrier, with lack of knowledge of how to do it or government inactivity cited as other reasons, but some way behind. These barriers are emphasised in the written comments made to this question. Among the other comments made, two organisations say that they are deliberately excluded; one draws specific attention to the need for facilities for the deaf.

Table 9. Barriers to contact with government organisations

%	Reason you don't have higher level of contact with government:
37	lack of time
19	no clear way to make contact with government
14	no government organisation ever contacts us
1	don't think it is worthwhile
8	other
Base 172 (options not exclusive)	

Three comments raise the problems with communication with Non-Departmental Public Bodies (quangos). One comment runs:

- "We find the democratic elements of govt. easier to get resolutions with than the agencies/quangos which can stonewall and be impractical in policy implementation sometimes."

Three other particularly notable comments:

- "Previous experience of contact was disheartening. I feel there was no real consultation and that the agenda was set and not open to discussion."
- "One civil servant in our area of interest is always enthusiastic about our ideas and proposals for support when we speak but always turns down our grant applications. We get the impression he will never say no to an idea verbally."
- "Jargon - lack of plain speaking."

Finally, one striking comment highlights the seriousness with which some organisations treat engagement with government processes:

- "Quality responses are very time consuming, and [we] don't want to undermine [our] standing by poor submissions."

Getting information about political issues

This section discusses how organisations find out about the Parliament and the Executive.

The survey asked respondents to rate how often they used various sources of information to find out about the Parliament and the Executive. For both Parliament and Executive, newspapers and journals are the main source of information: 78% of respondents use these a lot or quite a lot to find out about the Parliament, compared with only 44% for TV and slightly less for radio. Figures are similar for finding out about the Executive (75% use newspapers a lot or quite a lot, compared to 41% for TV). Both the Executive and Parliament websites score very well, also ahead of TV, with 60% saying they use the Parliament's website a lot or quite a lot, and 66% the Executive's.

Personal contact with MSPs and Parliament staff is an important source of information, with 54% using this method quite a lot or a lot; again the figure is similar for the Executive (48%).

Other methods do not fare well: the public library network is barely used, with three quarters of respondents saying they do not use it at all, either for the Parliament or the Executive. It is notable that the figure is the same for both Parliament and Executive, as the Parliament provides a library information service that the Executive does not (see chapter 2): there is effectively no information on the Executive available in public libraries!

Table 10. Sources of information about the Scottish Parliament

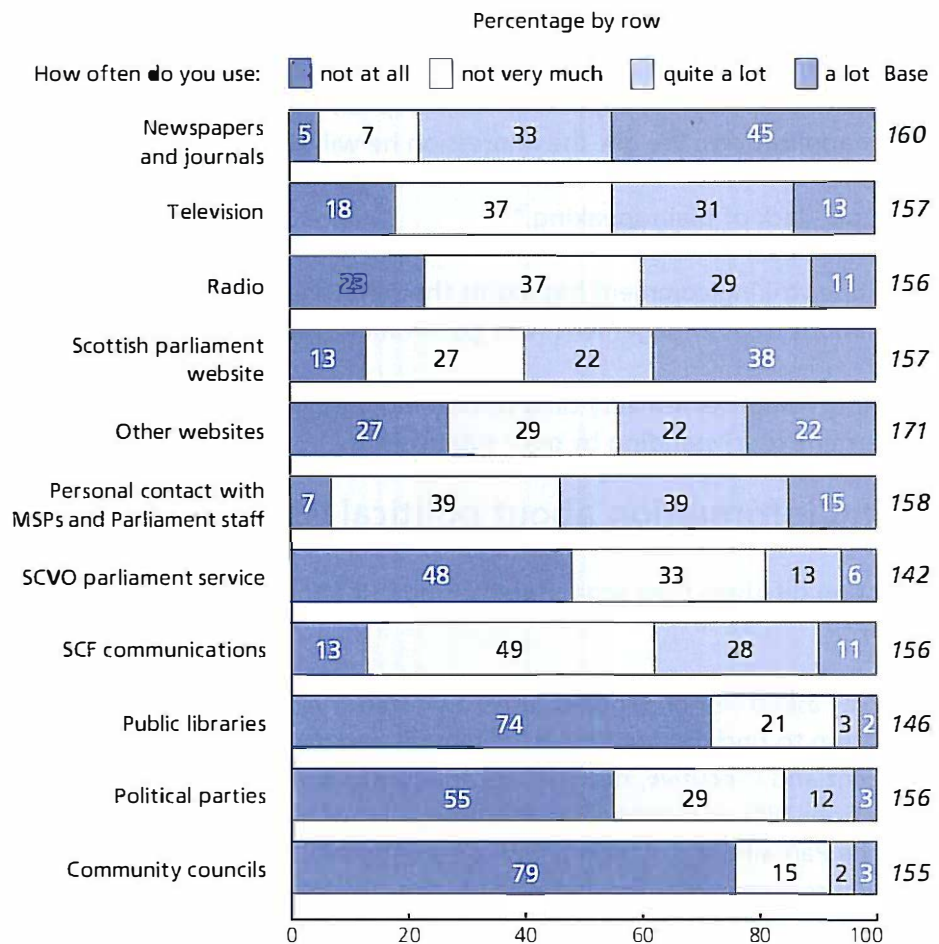
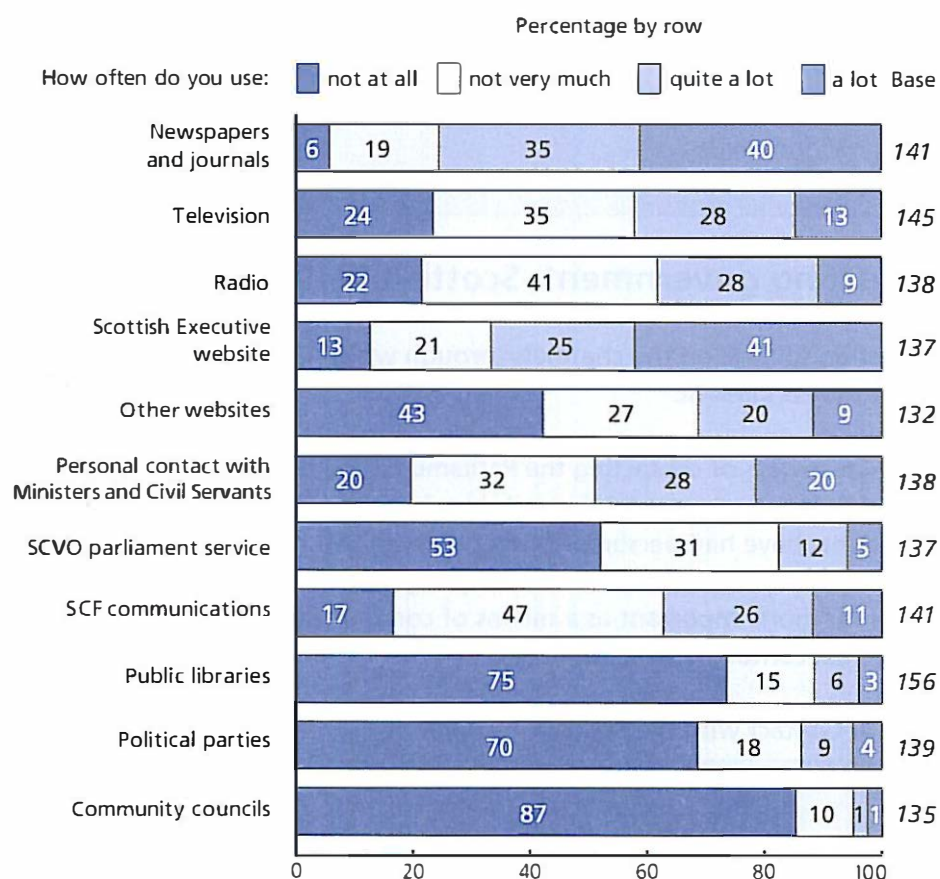


Table 11. Sources of information about the Scottish Executive



The survey also asked for views on the level of information received about the Parliament and the Executive. It is sometimes suggested that the amount of information available on and from the Parliament and the Executive is too much for civic organisations to cope with. However, the survey results suggest that this is a minority view, with only one twentieth of respondents saying that they receive too much information on the Parliament or the Executive.

Table 12. Level of information about the Scottish Parliament

%	Percentage saying level is:
61	just right
34	too little
5	too much
Base 160	

Table 13. Level of information about the Scottish Executive

%	Percentage saying the level of information is:
58	just right
37	too little
5	too much
<i>Base 138</i>	

Contacting government: Scottish Parliament

This section focuses on the channels through which Civic Forum members contact the Parliament.

Table 14 lists ways of contacting the Parliament, and the number of respondents who say that they have used them. A very large proportion - over 90% - of respondents have had personal contact with an MSP. There are clearly strong networks between MSPs and civil society organisations, with personal contact cited as far more important as a means of communication with the Parliament than formal contact with committees.

Table 14. Contact with the Scottish Parliament

%	Percentage saying they have:
91	contacted an MSP
80	had informal contact with MSPs ³²
51	observed debates or committee meetings
44	had informal contact with Parliamentary officials
37	given written evidence to a Parliament committee
35	given evidence in person to a Parliament committee
31	had an MSP ask a Parliamentary Question
30	built up direct links with committees
<i>Base 172 (answers not exclusive)</i>	

Giving evidence in person to committees

Those organisations which had given evidence in person to Parliamentary committees were asked about their experiences. Fifty-two comments were given in response, which fall into the following broad categories, presented in order of the number of comments received in each category.

i. The atmosphere in the evidence session

Respondents are generally positive about the atmosphere in the evidence sessions. Fifteen respondents say that MSPs listened carefully and took their evidence seriously, and some point out that the committee followed up their

³² Questionnaire defined "informal contact" as: dinners, drinks, conferences etc

evidence and took action on it. Twenty-three respondents describe the sessions as "positive", "constructive", "helpful" or "enjoyable". One says that the discussion was "full and frank" though "not adversarial". One says the evidence session was challenging and "slightly unnerving", but that this showed that the committee had taken the written submission seriously.

There are nine negative comments. Some say that giving evidence is challenging and can be intimidating, but was overall a positive experience. Other comments make fewer concessions: one respondent says that New Labour committee members singled them out for hard treatment as they were seen as being critical of Executive policy; two say that the questioning was adversarial or hostile. There are two references to negative experiences with the Enterprise and Lifelong Learning committee, for example: "committee seemed very rushed, members not interested, got the impression they'd already made up their minds and weren't really listening."

Only one respondent complains about political posturing within a committee, indicating that committees are generally thought to be promoting a consensual and non-party-political way of working.

ii. The attitudes of Parliament staff

Twenty comments express strong praise for the Parliament staff, who are described variously as helpful, interested, courteous and friendly.

iii. The amount of time the Parliament allowed for preparation and for input into the committee

Five respondents complain about being invited to give evidence at short notice. The timetabling of the actual agenda for the session receives mixed views. Five respondents say that they did not have adequate time to present their information, sometimes blaming other groups involved in the session for overrunning. One says that their meeting was still effective, despite the lack of time. Seven comments are positive, saying that enough time was allowed.

iv. Who controls the agenda of the session

Six respondents raise concerns about the agenda for discussion in the sessions being pre-set by committees. There are comments that there is no opportunity to address issues that have not been decided on in advance, that the agenda would best be set in conjunction with the groups participating and that there was no opportunity to re-enter the debate once other witnesses had started giving evidence.

v. Miscellaneous

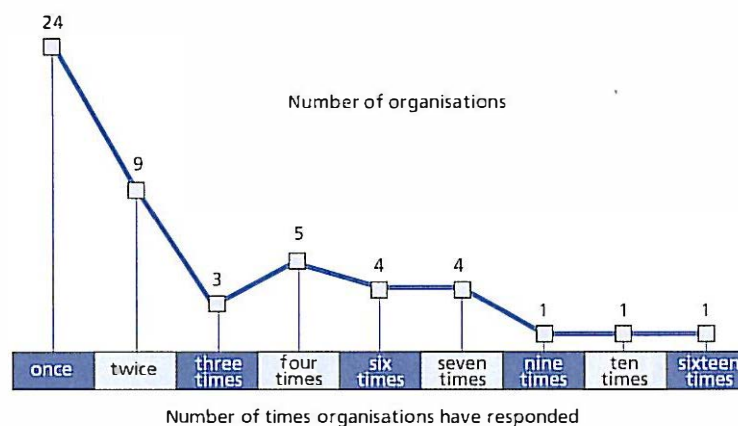
One response says that the report they contributed to did not reflect the tenor of discussions in the preparatory meeting; another, from an environment

intermediary network, refers to the difficulty of synthesising the diverse views of their membership in a way that the committee can grasp.

Giving written evidence to committees

Those organisations who had given written evidence to committees were asked about the process. Fifty-two respondents say that they have given written evidence; the vast majority (24) have only given written evidence once; three have given evidence nine or more times.

Table 15. Giving written evidence to Parliament committee inquiries



Inspection of responses suggests that the higher income organisations are more likely to have given many written responses, but there are too few responses to be confident.

Further information

Six respondents say that they have seen legislative amendments arising out of their responses to committee inquiries. Eight respondents say that their responses were quoted in reports. Twenty respondents say that they have been invited to have further contact as a result of their response, through giving evidence in person, or through informal meetings and follow up seminars.

Fifteen organisations complain that they were alerted to committee inquiries without sufficient time to give a considered response. There are two references each to the Adults with Incapacity (Scotland) Bill and the Housing (Scotland) Bill about lack of time to respond, presumably at Stage 1 of the Bill process.

Fourteen organisations say that they gave written evidence to a committee but received no response. The Enquiry into Voluntary Sector Funding receives two complaints of evidence not being responded to, as do Changing Rural Employment Patterns and Taking Stock on Disability.

Other comments worth noting:

- “We have difficulties meeting deadlines as we are a member organisation requiring to debate and discuss our collective position.”
- The Procedures Committee enquiry into the application of the CSG Principles is singled out for praise: “Good engagement.”
- “All evidence is acknowledged however it is hard to tell whether it is your response or someone else’s who they are responding to when they actually make changes, unless you actually hear them make the decision when you’re giving oral evidence.”

Other ways of contacting the Parliament

Apart from written and oral evidence to committees, respondents were asked to give comments on any other means of contact they had with the Parliament. Thirty-nine responses were made to this question. Eight refer to giving briefing sessions to MSPs. One of these reports a positive experience with the Health and Community Care Committee, which met with members locally. Five responses refer to the value of Cross Party Groups, which several organisations were involved in setting up and servicing. Two responses refer to the Scottish Civic Forum’s annual event in Parliament; one of these respondents had used this occasion to highlight the importance of the Parliament supplying translations of material in British Sign Language. Three organisations say that the Public Petitions Committee is a valuable way of influencing the Parliament. One organisation calls for the creation of opportunities for groups to comment on the Minister’s views on amendments at Stage Two of the Bill process.

The survey also asked whether respondents are confident that they could get their views heard in Parliament: that is, whether they thought the Parliament would listen to their views, independently of whether it would actually act on them. Three quarters believe that they could get their views heard in Parliament, indicating a high level of confidence that the Parliament is listening and accessible.

Table 16. Being heard in Parliament

%	Confident Parliament would listen to your views?
75	Yes
25	No
<i>Base 158</i>	

In conclusion, the evidence from the survey suggests that there are strong lines of communication between Civic Forum members and the Parliament, and that civic society still has confidence that the Parliament will listen to its views.

Contacting government: Scottish Executive

This section focuses on the channels through which Civic Forum members contact the Executive. Table 17 lists a number of ways of contacting the Executive and the number of respondents who say that they have used them. Contact with civil servants and Ministers is slightly more highly rated than responding to Executive consultations. Consultation is clearly an important way in which the Executive interacts with civic society. Comparison with Table 14, on contact with the Parliament, above, shows that consultation is thought more significant than committee inquiries (59% have responded to a consultation, compared to 37% having given written evidence to an inquiry). One obvious explanation for this is that the Executive issues more consultations than the Parliament holds inquiries.

Table 17. Contact with the Scottish Executive

%	Percentage saying they have:
65	contacted civil servants in the Scottish Executive
62	contacted a Minister of a Scottish Executive department
59	responded to a Scottish Executive consultation
49	had informal social contact with Scottish Executive ministers
47	had informal social contact with Civil Servants
32	been involved in Scottish Executive research
17	been involved in other methods of participation such as focus groups, citizens' juries, consensus conferences
<i>Base 172 (answers not exclusive)</i>	

Forty-two additional comments were made to this question. Three refer to having contact through the Civic Forum, and a great many refer to being involved in joint projects, conferences, working groups etc. One equality organisation mentions that the Scottish Executive equalities unit organised a seminar on equality issues using their database of groups.

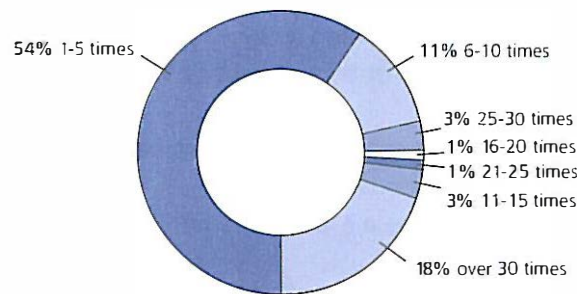
Scottish Executive consultations

Ninety-one respondents mention responding to Scottish Executive consultations. Most organisations (54) have responded to under five consultations, though a considerable number of organisations say that they have responded to too many consultations to list each one, sometimes giving a rough figure and listing a few examples.³³

³³ Mean number of responses to Executive consultations: 14. Median: 3. Mode: 1.

Table 18. Number of times responded to Scottish Executive consultation

Number of organisations that have responded to consultation



Inspection of responses suggests that it is the organisations with greater income which are giving evidence more often, but there are too few responses to assert this with confidence.

In written comments to this question, nine organisations say they have seen legislative change arising from their responses to consultations; of these, two organisations report influencing changes to the National Care Standards. Thirteen organisations say that their responses have been quoted in reports and fourteen organisations say that their responses to consultations led to further contact of some kind with the Executive. Seventeen organisations say that they received consultation documents in insufficient time to give a fully considered response. The consultation on the Local Government Bill is the only consultation mentioned twice as having had insufficient time. Twenty-two organisations say that the Executive did not respond to their input.

It has been suggested that Scottish society is suffering from “consultation overload”, that is, fatigue and disenchantment as a result of being asked too often to comment on government policy. The survey found little evidence to support this, with 83% of respondents thinking that the level of consultation is just right or even too low. It seems that the Civic Forum membership is broadly satisfied with the level of consultation. This group is not representative of Scottish society, of course: it may be that other groups are indeed suffering from overload, but it will take further research to determine this.

Table 19. Level of Scottish Executive consultation

%	Percentage of respondents saying the level is:
50	just right
33	too little
17	too much
Base 131	

The survey asked whether respondents were aware of any changes to legislation or Executive policy made as a result of responses to consultations. Responses were fairly evenly divided on this point, and there is a very low level of response to the question suggesting, perhaps, that organisations find it hard to trace a connection between a change in the policy and a response to a consultation. This is born out by a number of comments made in response to the question, for example:

- "It is not always possible to say whether it was because of our comments or the weight of similar comments."
- "...who can say what changes a Minister's mind?"

Table 20. Changes to Executive policy arising from consultation responses

%	Have there been, to your knowledge, any such changes?
52	No
48	Yes
<i>Base 98</i>	

Despite this, respondents cited forty-two distinct cases in which they claim to have had influence on the development of policy. A full list of the cited changes is given in appendix 2. Some selected examples include:

- Land Reform (Scotland) Bill (4 respondents cite this)
- Housing (Scotland) Act (5 respondents cite this: specifically parts relating to disabled people; the Glasgow stock transfer; changes in the right to buy, including the right to buy element being amended for charitable housing associations; homelessness issues)
- Community Care and Health (Scotland) Act (3 respondents cite this)
- Water rates relief (3 respondents cite this; in particular the relief for charities and small businesses)
- Subsidy of SCRO checks for volunteers (3 respondents cite this)
- The opening up of a debate on role of Scottish Parliament with respect to asylum seekers. (2 respondents cite this, and mention that a Cabinet Minister was consequently given responsibility for asylum seekers.)
- Mental Health - Adults with Incapacity (3 respondents cite this)
- National Priorities in Education (2 respondents cite this)
- Transport (Scotland) Bill (specifically: exemption for disabled people on road tolls).

Respondents were neutral about the quality of the consultations carried out by the Executive, however, with only a quarter of respondents describing it as "good."

Table 21. Quality of consultation carried out by the Scottish Executive

%	Percentage saying quality is:
56	medium
24	good
20	poor
<i>Base 123</i>	

Respondents were asked to explain their opinion, and comments received fall into six categories as follows, listed in order of apparent strength of support in the comments:

i. Poor style of consultation documents

Seventeen comments, for example:

- "...glossy inaccessible documents..."
- "It is not usually in a format which is useful to communities (although this has been changing over the last couple of years)."
- "Too much emphasis on written comments."
- "Deaf people whose first language is BSL are excluded from consultations issued in written English. We need much more info in BSL on video/CD-ROM (and not just on issues directly concerning deaf people)."
- "...TV and local radio media could be better exploited to seek [...] views. Phone-ins would be more appropriate than letters for at least 20% of the population."
- "Questions asked are mainly too general - as if the Executive have not really thought through properly what sort of information they need to elicit."

ii. Lack of time to respond

There were sixteen complaints about not having enough time to respond; one of these draws attention to a problem with consultations being issued over holidays, in effect reducing the time that organisations have to respond.

iii. Positive comments

Fourteen comments, for example:

- "The Executive seems genuinely committed to consultation across the full breadth of the Scottish community. It seems much more accessible and transparent than Westminster."
- "Papers are usually in clear English and as jargon-free as possible."

iv. Lack of clarity about what happens to consultation responses

There are eleven comments that it is not clear what happens to responses to consultation documents, and calling for the Executive to give more feedback on what happens. For example:

- "Limited analysis provided of how responses might have affected policy developments."
- "Feedback on response [...] would be invaluable and encourage us in future responses."

v. Concerns about tokenism

Twelve respondents say that consultation is tokenistic, carried out only after the important decisions have been made, aimed at confirming a preconceived position or intended only to defuse criticism.

- "Decisions tend to be formed before the consultation takes place making consultation a rubber stamp exercise."
- "The classic Civil Service consultation is to be seen to connect! Not actually consulting. Those who are redrafting documents are in total control."
- "Consultations can seem like paper exercises to support policy decisions already made by the Executive."

Other comments

There are a number of other comments, the most striking of which are as follows:

- "We have even been informally lobbied by civil servants to make particular comments and suggestions!"
- "Rather a blanket approach to consultation. Probably not selective enough in who they target."
- "On [...] occasions we are asked to comment on issues in which we have no interest. Of more concern is not being asked for comments on issues of which we do have direct concerns."

Other ways of contacting the Executive

Respondents were asked to give comments on any other means of contact they had with the Executive apart from responding to consultations. Thirty-seven responses were made to this question.

Six refer to working with the Executive through subcommittees and working groups such as the Scottish International Education Advisory Group or the Scotland Older People's Advocacy Group. One respondent comments that "the agenda and discussions of these groups are often heavily 'steered' by the Executive to 'prevent' the groups reaching the 'wrong' conclusion."

Ten refer to more informal contacts, including the Away Day at Airth Castle for Ministers and voluntary sector leaders (described as an “excellent opportunity to discuss real partnership with the sector”), and also more personal or social contacts with Ministers and civil servants. One respondent comments favourably on the professional histories shared between people who go on to become Ministers and others in the public or voluntary sector which supports networking and personal contact.

Four refer to running training courses for the Executive or having members seconded to the Executive for various pieces of work.

A number of other notable comments are also made:

- One remarks favourably on the Executive switchboard having a text phone, and asks how well this is publicised: “hopefully in all SE literature, website, etc.”
- “Scottish Executive website is *appalling*: difficult to search, and too time consuming. It’s actually easier to use a search engine externally than find a document on the site (either using a search engine, or trying to apply logic to find where it’s filed).”
- One comment is made on the difficulty of locating the correct person to speak to: “the switchboard phone often rings for over a minute before being answered. It hardly gives an impression of transparency or openness.”
- One comment stresses the importance of remembering that the Executive is not monolithic. The comment says that it is a difficult task to understand the structure of the Executive, and that one role of the Scottish Civic Forum is to explain the complexity of the Executive to its members. Groups in society (the comment refers specifically to businesses) tend to expect a single point of access and problem solving within the Executive.
- Comments are made about problems in contacting the Executive due to staffing changes at the Executive, delays in payments and decisions, requirements to make fruitless applications and correspondence not being acknowledged.
- There is call for a social event where Executive and public could meet informally to talk about particular subjects. There is also a call for more use of mass media to stimulate debate.

Overall

There is an element of cynicism about the sincerity of the consultation process, with one respondent suggesting that “consultations tend to be when they already know what they want!” A key point that emerges is that civic groups want more information about what happens to their responses to consultations, and how, if at all, policies change as a result of them. Overall, however, there is a fairly strong sense of satisfaction with the Executive’s efforts to engage with civic society, which seems to be well summed up by one comment that the amount of consultation is a “welcome burden”.

Comments on the Civic Forum

Respondents were asked to comment on the benefits they have received from being a member of the Forum. 161 comments were received on this point, which fall into the three main categories given in table 22. The largest proportion of responses, a little over half, say that the main function the Forum is currently providing is distributing information. The next biggest group, about a quarter of respondents, say they do not know of any benefits, and 15% cite networking opportunities as a benefit.

Table 22. Benefits from membership of the Civic Forum

%	Percentage saying the benefit is:
53	increased information
24	"no benefits" or "don't know"
15	opportunities for networking
7	other
<i>Base 161 comments</i>	

The following are selected comments from each category.

i. Increased information

Respondents say that the Forum provides increased information about consultation exercises, the Parliament and the Executive, and that it provides a means for exchange of information with other civic organisations.

- "eVOX and eLEG provide interesting information and also highlight points."
- "...help with prioritising and sifting through the deluge of information coming from both Parliament and Executive."
- "Provision of information which helps us to be more pro-active in participating and engaging with governments at various levels. Helpful in assisting us to help our members."
- "Being kept in the overall picture better than before."

ii. "No benefits" or "don't know"

- "None. Probably won't be renewing membership."
- "We did not renew our membership last year as we did not find membership useful to our organisation - we still continue to receive communications, however."
- "I do not see much info coming through to me from Civic Forum - would be keen to see more."

iii. Opportunities for networking

This includes networking with government organisations and other members of civic society.

- "The voluntary sector is already well connected to Parliament, Exec, and well-networked internally - but it is useful to see and make links with wider horizons of civic society."
- "Conference attendance; a broad feeling of being an active part of Scottish Civic Society."
- "Liaison with organisations outwith the normal networking scene."
- "Able to discuss through implications of legislation (eg family law); being kept in touch with other views and organisations."
- "Forum to discuss consultations and bring together wide range of community interests."

Other comments include:

- "Immeasurable benefits - it has refocused the dialogical task."
- "Collective voice for civic society; as a 'big' organisation, we learn from smaller ones and can share our resources for common good."
- "Encouragement to finding routes round the gatekeepers"
- "Being alerted to key issues; being kept in touch; being reminded in a busy week that there are others pulling their weight!"
- "Able to introduce a more international agenda to the SCF."

Respondents were also asked if they had encountered any problems in working with the Civic Forum; 17% said that they had.

Table 23. Problems working with the Civic Forum

%	Have you encountered any problems?
82	No
17	Yes
Base 154	

Thirty-eight additional written comments are given in response to this question; twenty-nine of these are critical of the Forum. These fall into the following rough categories, listed in order of strength of support:

- lack of clarity in the Forum's organisational structure, complaints that the process of decision making is cumbersome
- problems with communicating with the Forum, including inadequate notice of meetings, lack of clarity of lines of communication, too many emails
- lack of time and resources to be able to work with the Forum. These are more general issues, not complaints being levelled at the Forum
- the specific activities that the Forum is involved with: there are two comments that the Forum should not take a view on governance issues
- too much focus on Edinburgh, Glasgow and other cities
- low public profile.

Barriers to participation

Those organisations who had not taken part in Civic Forum activities were asked what were the barriers. The main barrier is time (31 %), followed by irrelevance of activities to their organisations, and the location or timetabling of meetings.

Table 24. Barriers to taking part in activities run by the Civic Forum

%	Percentage saying that:
31	we can't spare the time
27	activities are not relevant to us
21	activities take place too far away
19	activities take place at inconvenient times
8	we never hear about any activities
21	other
<i>Base 172 (answers not exclusive)</i>	

Thirty-two additional comments were provided, with six being specifically positive, saying that they would like to attend, or that they are satisfied with the level of contact that they have.

Fourteen comments reaffirm the lack of time or resources to attend. Of these, three say they are unable to attend at weekends. Two comments from pensioners' groups draw attention to the physical difficulty, and the expense, of attending Civic Forum events.

- "As an organisation of old age pensioners we lack the funds to attend meetings regularly. Many of us have no car and even to travel to Edinburgh will cost a minimum of £10."

Other comments include:

- "Email newsletter is sent as attachment rather than pure text, so tend not to read."
- "I sometimes find it difficult to understand how my organisation fits into the activities and if they will be of any benefit."

Success of the Forum

The questionnaire defined the goal of the Scottish Civic Forum as: to make it easier for civic organisations in Scotland to influence the debates and policies in the Scottish Parliament and the Scottish Executive. It was asked how successful respondents thought the Forum had been at meeting this goal. 64% said it was quite or very successful.

Table 25. Level of success of the Civic Forum

%	Percentage saying it is:
58	quite successful
34	not very successful
6	very successful
2	very unsuccessful
Base 124	

What should the Scottish Civic Forum do?

Respondents were asked to comment on how the Civic Forum could best help their organisation to influence the debates and policies in the Parliament and Executive. 108 comments were returned, falling into the following categories, listed in order of strength of support:

i. Build more links between government and community groups (27 comments)

Two of these call specifically for the Forum to engage in more regional work. One calls for the setting up of a strategic partnership on sustainable development issues.³⁴

ii. Clarify the way the democratic process works (23 comments)

Calls for the Forum to explain and strengthen the existing systems for participation, and produce materials which explain the ways in which the Parliament and Executive function; one describes it as "ten top tips" as to how to go about participation and deal with obfuscation; others ask that these packs be accessible to deaf people, and be produced in a form which can be delivered to their members.

iii. Increase provision of information (20 comments)

Respondents call for earlier notification of what is going to happen; periodic updates about how debates are progressing; wider information about issues emerging in civic society. There are three comments that the Civic Forum should filter the information it sends out to be specifically relevant to the organisation in question. One says: "Everything to everybody is a waste of time all round." Another recommends that the Civic Forum build up a network of contacts with committees to develop an intelligence network of what is happening next. This "lead time" would be used to the benefit of Forum members.

iv. Advance an organisation's specific interests. (15 comments)

These are calls for the Civic Forum to pay specific attention to the respondent's area of work, or provide support for a specific campaign. Many of these proposals could not be acted on by the Forum without it taking a view on a specific area, and it is against the policy of the Forum to take such a view, except on some general governance issues. Other respondents, however, call

³⁴ The Forum is in fact carrying out work in both of these areas.

on the Forum to build more links between their area of interest and the Parliament/Executive, rather than directly support a campaign, and this would fall within the remit of the Forum.

v. Positive comments

Eight comments are positive, variations on a theme of "keep developing as it is."

Other notable comments made include: one call for more events during the working week, with civic involvement being built into organisations' workplans. One call for the Forum to change its policy towards individuals being members. One detailed proposal for the Forum to expand its media profile. One complaint about the Forum being run by academics. One comment that the Forum helps the respondent to expand into new areas they wouldn't have thought of before.

Final comments

The questionnaire ended by asking for general comments on the Civic Forum. Forty-five responses were made.

Thirteen were unequivocally positive, generally congratulating staff for their work. One very positive comment runs: "We feel that the SCF is one of the best Scottish organisations of today." Several respondents remark that the Forum is under-resourced to deliver what is expected of it.

Five were negative. One refers to high initial hopes being disappointed, one says there is not enough work promoting dialogue on legislation, too much on general themes; one says the Forum is a talking shop without an understanding of business issues and one warns that it is seen as a middle class quango.

Twenty-six offer mixed views, generally praising the Forum but warning that it must change its practices. Eight are generally positive about the Forum but say that what it does is not relevant to their work. Ten call for a change to the direction of the Forum's work, calling for greater involvement of under-represented groups, of politicians and of the public; some warn of growing apathy and call for the Forum to take action to stop this; some call for greater clarity about the Forum's remit. One comment says that the volume of material put out by the Forum is "self-defeating": the respondent no longer looks at any of it. One respondent calls for more policy analysis in Forum publications. One respondent says that it is probably too early yet to praise or condemn the Forum.

CONCLUSION

5

To participate in the democratic process, three things are needed:

- **Effective democratic systems:** ways through which it is possible to influence the discussions that go on at a political level
- **Knowledge and information:** knowledge about what these ways are and how to use them
- **Time and energy:** Enough time and other resources to get involved.

This conclusion looks at each of these in turn.

Section 1: Effective democratic systems

There is no doubt that the Scottish Parliament has created new ways for people to participate in the democratic process, and that the Executive is carrying out a great deal more consultation. This section evaluates the work that has been done.

PARLIAMENT

Survey responses suggest that personal contact and networks between MSPs and wider society are the most widely used ways of communicating with the Parliament. Too much dependence on networking, however, excludes those groups and individuals who are not part of any network. For this reason it is important that there are other routes into the Parliament apart from networking.

The system of committees forms a new level at which people can engage with the Parliament. Observing committees, or giving evidence to them, are important ways in which people can participate. Some committees have begun to build up direct links with community networks. This work is very much to be welcomed, and needs to be continued and expanded.

RECOMMENDATION 1: The Parliament's Committees should continue to form direct links with civic society organisations and community groups.

Committees have the power to introduce their own legislation, but this has not widely been taken up. This is unfortunate, as the record of public participation in the development of the first committee Bill, the then Justice and Home Affairs Committee's Protection from Abuse (Scotland) Bill, was extremely good.

Two potential barriers to getting involved with committees are: meetings being held in private, and the difficulty in travelling to Edinburgh to attend

their sessions. The Audit Project has found no sign that the committees are increasingly working in private; however, the record of committees meeting around Scotland remains poor, despite the fact that they are warmly welcomed when they do so meet.

RECOMMENDATION 2: The Parliament's committees should make greater efforts to meet in other areas of Scotland.

The Public Petitions Committee is one of the most important ways in which people can participate in the work of the Parliament. It is being used largely by individuals not attached to any group, suggesting that it has made a start at including people who are not already part of established networks. However, the apparent lack of use of the system by ethnic minority groups needs to be addressed.

RECOMMENDATION 3: The Public Petitions Committee should introduce equal opportunities monitoring procedures to gather reliable information about who is using the petitions system.

RECOMMENDATION 4: The Public Petitions Committee should consider advertising the petitions process in information centres used by ethnic minority groups.

The wide geographical spread of petitions is welcome, and counterbalances the tendency for committees to meet in Edinburgh. The fact that petitions produce concrete changes within the Parliament shows that the system can be effective. However, the alleged lack of transparency of the petitions process once petitions are passed on to the subject committees or other organisations needs to be addressed.

RECOMMENDATION 5: In the interests of greater transparency, the Parliament's subject committees should consider reporting to the Public Petitions Committee on the outcomes of any petition that has been passed to them.

It is very difficult to decide whether the proportion of petitions (see Appendix One) that do have positive outcomes counts as a success or a failure for the system. Whether the proportion seems disappointingly low or pleasingly high depends on one's standards for evaluation. What is certainly true, though, is that the Petitions Committee has provided new opportunities for people to influence the democratic process, and that the more petitions the Committee deals with, the greater that success will be.

RECOMMENDATION 6: The Public Petitions Committee should be given extra staff resources to support the handling of more petitions, and greater political power to ensure that appropriate action is taken on petitions.

Overall, the Parliament has made progress in creating new routes through which people can participate in the democratic process. The Public Petitions Process, and the possibility of setting up direct links with committees, allow community groups a chance to influence the political agenda, and this is empowering. The Parliament, therefore, seems to have made a start at building networks of democratic participation with the aim of sharing power, as discussed in the introduction. However, the work that has been done is only a start, and there are worrying signs that the Parliament is not sustaining some of the early initiatives. The Social Justice Committee, for example, has shown signs of pulling back from its contact with the Communities Against Poverty Network. Further, it should be recognised that these new structures have been set up by the *Parliament*, or by committees working in a consensual and non-partisan way. Credit for the work discussed here has to be given to the Parliament, and not to the political parties which meet within it. The Audit Report has not discussed the role of the political parties in the new Scottish political scene; however, there is a tendency for politicians to assume that the best way for people to participate is to join a political party. It appears, though, that political party membership is declining, while interest in non-party political action is increasing. It is notable that the mechanisms discussed in the Audit Report are completely non-partisan, and that political parties do not appear in the vision for the new Scottish politics set out by the CSG report.

SCOTTISH EXECUTIVE

As with the Parliament, personal contact with civil servants and Ministers appears to be the main way in which people interact with the Executive, and, again, this excludes people who are not already well connected to networks.

The Executive's consultation process is the main way in which it addresses this inequality. The Executive monitors and improves its practice through the work of the Civic Participation Unit, and there have been improvements in the level and quality of consultation. Moreover, some people do say that they have seen legislative change arising from their responses to consultations, indicating that engaging with the consultation process can sometimes affect the development of laws and public policy. However, the number of people who say that they can see how their responses affect the development of legislation is still too low, and this feeds fears that the process is tokenistic. The lack of clarity about how responses affect the development of legislation leads to suspicion that in some cases they do not affect it at all. Exemplary cases of consultation, such as the Regulation of Care Bill, appear to be in the minority.

RECOMMENDATION 7: The Executive should provide clearer information about how responses to consultations are handled, and how they affect the development of legislation.

The problems identified by the survey in relation to the format of consultation documents must also be addressed. Comments indicate that the Executive has made some improvements in this respect: however, as practice improves expectations are likely to be raised, and high quality, informative and accessible documents must become the norm. The survey results suggest that civic society is currently happy with the quantity of Executive consultation. This state of affairs is unlikely to persist, however, unless the Executive continues to improve the quality of its consultations.

RECOMMENDATION 8: The Executive should continue to review its consultation process, and draw on the views of outside organisations to design progressively more informative and accessible consultation processes.

The case studies of the Executive consultation process highlight the fact that by allocating sufficient resources, high quality consultation can be achieved. The strongest argument that this more resource intensive, consultative policy making process is worth the investment would be that the legislation it produces was of high quality.

RECOMMENDATION 9: The Executive should commission detailed studies of the effect of more participatory policy making on the quality of legislation produced.

Section 2: Knowledge and Information

Before we can use the democratic systems that exist we have to know what they are, how to use them, and that there are issues coming up in which we want to get involved. It is therefore very important that effective systems exist for distributing information. There is considerable desire for more information from the Parliament and the Executive, with only 5% of survey respondents saying that they have too much information. This call for more information, however, should perhaps be interpreted as a call for higher quality information, or information in a more appropriate format, rather than simply greater quantity.

The survey shows that the main way in which people find out about political issues is through newspapers, with the Parliament and the Executive's websites also scoring highly. The following sections discuss the other means through which information is distributed.

PARLIAMENT

The Parliament has made a good start at distributing information; anything that the Parliament produces can be obtained either in hard copy or via the website, and the Enquiry Service is helpful in tracking down documents.

Having direct access to Parliamentary information empowers the public. The information is reliable and authoritative and enables members of the public to form their own opinions about events and participate on their own terms. The Parliament needs to do more work, however, to bring that information to local communities. The Partner Library Network is currently the main way in which it tries to do this, and though it is an excellent initiative, it is under-used. Three quarters of survey respondents said that they do not use it at all. The main reasons for this seem to be that the Network is not well advertised, and that the material held in the libraries is not presented in a very accessible format.

RECOMMENDATION 10: The Partner Library Network needs greater support to stimulate a higher level of use. The materials held in the libraries need to be produced in a form suitable for use by the general public.

Distribution of information provides one element needed for greater participation, but is not by itself enough. The Consultative Steering Group envisaged the creation of a network of community media centres which would bring the Parliament to, and empower, local communities. Many of the Partner Libraries would be suitable places for community groups to meet and plan how to make their voices heard in the Parliament. Once interest in the Partner Library Network has been stimulated by the distribution of more accessible information, the Parliament should work in partnership with local community groups to begin building the active network envisaged by the CSG.

RECOMMENDATION 11: The Parliament should consider building on the Partner Library Network to provide community media centres as envisaged by the CSG.

EXECUTIVE

The Executive is a much larger organisation than the Parliament, and it is difficult to find out in advance what it is working on or who should be contacted on a given issue. The lack of information about the Executive is disempowering: the survey shows a high level of discontent with the short notice at which groups are expected to respond to its initiatives. Some organisations do not see the Executive as impartial, and this leads to distrust about the information it produces. Lack of general knowledge about the Executive's internal structure makes it hard for people to engage with it. The Executive has not developed a network of information on the lines of the Parliament's Partner Library Network, but should consider doing so.

RECOMMENDATION 12: The Executive should consider establishing a parallel system to the Partner Library Network to make the information it produces more readily accessible.

The survey results in chapter 4 suggest that one of the chief roles of the Scottish Civic Forum has been in distributing information, and the greatest part of this information has been on the Executive. The Forum may have chosen this focus because the Executive has, unlike the Parliament, agreed a formal Concordat with the Forum. This information distribution role for the Civic Forum should be built upon.

RECOMMENDATION 13: The Civic Forum should work towards producing more timely and in-depth information on both the Parliament and the Executive, produced in a highly accessible format and widely distributed.

Section 3: Time and energy

Having good democratic systems and plenty of information about them do not by themselves produce greater participation. People also need the time and energy to get involved. There is still a high level of confidence that the Parliament is listening and accessible, with three quarters of those surveyed believing that the Parliament would listen to them if they approached it with an issue of concern. The vast majority of respondents say that their level of contact with government organisations has increased since the creation of the Scottish Parliament, and two thirds say that they want more contact still. Other survey results also suggest that people are in general positive about the Parliament (see Appendix 4).

Lack of interest in the democratic system does not appear to be a barrier to participation. The main barrier to greater involvement appears to be time. It is often said that people are disengaging from the democratic process because of apathy. The Audit project has found little evidence of this. Surveys reveal a high level of interest and confidence in the Parliament. The discussions and interviews carried out in the course of the project show that people sometimes feel anger, despair or confusion about how to get involved: but not apathy.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Democratic systems

The Scottish Parliament has created new ways for people to participate in the democratic process. The committees, particularly the Public Petitions Committee, provide people with direct ways of getting involved. These structures are potentially powerful, but need more resources. The Petitions

Committee needs the resources to deal with more petitions; committees need the resources to meet more widely around Scotland.

The Executive collects views on its policies through consultations. It is consulting widely, but needs to do more to demonstrate that it takes consultation responses seriously and that they do influence the way policies develop. There is little evidence of consultation overload at the moment, but people are likely to disengage if they think that their responses are not valued.

Knowledge and information

The Parliament and the Executive need to distribute information more effectively. At the moment most people receive information through an often hostile press. The Parliament should improve the presentation of the information it produces for the general public. The Executive must become more accessible and transparent. It needs to make it plain:

- what it is working on
- what its plans are
- who is working on them
- what use it makes of responses to consultations.

Time and energy

There is strong interest in getting involved in the democratic process, but members of the public are hard pressed to find enough time.

Main recommendation

The Executive, the Parliament and the Civic Forum alike are faced with the challenge of improving the distribution of information. Arguably, good systems for participation have been set up, but there needs to be more widespread knowledge of how best to use them. The Audit Project's main recommendation is that participation be supported by more effective distribution of information. The Parliament, Executive and the Civic Forum should work with other organisations to ensure that information about the political system is:

- Widely distributed
- Distributed in enough time for people to take action on it
- Produced in a format suitable for people who are not already familiar with the democratic system
- Produced in a convenient form, for example: edited, collected under significant themes and backed up with other sources of information such as news reports
- Willing to discuss controversial issues, though in a clearly impartial manner.

Summary of recommendations

RECOMMENDATION 1: The Parliament's Committees should continue to form direct links with civic society organisations and community groups.

RECOMMENDATION 2: The Parliament's committees should make greater efforts to meet in other areas of Scotland.

RECOMMENDATION 3: The Public Petitions Committee should introduce equal opportunities monitoring procedures to gather reliable information about who is using the petitions system.

RECOMMENDATION 4: The Public Petitions Committee should consider advertising the petitions process in information centres used by ethnic minority groups.

RECOMMENDATION 5: In the interests of greater transparency, the Parliament's subject committees should consider reporting to the Public Petitions Committee on the outcomes of any petition that has been passed to them.

RECOMMENDATION 6: The Public Petitions Committee should be given extra staff resources to support the handling of more petitions, and greater political power to ensure that appropriate action is taken on petitions.

RECOMMENDATION 7: The Executive should provide clearer information about how responses to consultations are handled, and how they affect the development of legislation.

RECOMMENDATION 8: The Executive should continue to review its consultation process, and draw on the views of outside organisations to design progressively more informative and accessible consultation processes.

RECOMMENDATION 9: The Executive should commission detailed studies of the effect of more participatory policy making on the quality of legislation produced.

RECOMMENDATION 10: The Partner Library Network needs greater support to stimulate a higher level of use. The materials held in the libraries need to be produced in a form suitable for use by the general public.

RECOMMENDATION 11: The Parliament should consider building on the Partner Library Network to provide community media centres as envisaged by the CSG.

RECOMMENDATION 12: The Executive should consider establishing a parallel system to the Partner Library Network to make the information it produces more readily accessible.

RECOMMENDATION 13: The Civic Forum should work towards producing more timely and in-depth information on both the Parliament and the Executive, produced in a highly accessible format and widely distributed.

REFERENCES

Bareham, J. 2001. *People Power and Parliament*. Edinburgh City Council publication.

CDG 2001a. *Free Care for Older People: Care Development Group Report*. Scottish Executive September 2001

CSG Report 1999: *Report of the Consultative Steering Group on the Scottish Parliament*, HMSO 1999. Holyrood 2000. *Holyrood Magazine*. Issue 12, Vol 2 November 2000.

Mitchell, J. 2000. "New Parliament, New Politics in Scotland", *Parliamentary Affairs*. Hansard Society for Parliamentary Information.

Pateman, C. 1970. *Participation and Democratic Theory*. Cambridge University Press.

PPC(a): Annual Report of the Public Petitions Committee, 2000

PPC(b): Submission by Public Petitions Committee to Procedures Committee CSG Enquiry

PPC(c): Further Submission by Public Petitions Committee to Procedures Committee CSG Enquiry

Procedures Committee 2001a. Procedures Committee enquiry into CSG principles, 27th November 2001

Procedures Committee 2001b. Procedures Committee enquiry into CSG principles, 11th December 2001

Royal Commission 1999. *With Respect to Old Age: Long Term Care - Rights and Responsibilities. A Report by The Royal Commission on Long Term Care*.

Sheehy, H and Sevetson, A. 2001. "Taking the parliament to local communities": The Scottish Parliament's Partner Library Network. *Journal of Government Information* 28 (2001). 499-455.

Scottish Executive 2001. *Providing Free Care for Older People: Research commissioned to inform the work of the Care Development Group*, Scottish Executive November 2001.

References to Standing Orders are to the edition of 10.12.99, revised 15.3.02. See http://www.scottish.parliament.uk/parl_bus/sto-c.htm.

APPENDIX ONE: SUCCESSFUL PETITIONS

In order to give a concrete idea of the success of the Public Petitions system of the Scottish Parliament, this appendix lists all the petitions the Audit project considered to be successful, up to PE500, grouped into four categories. The information comes from records held in the National Archives of Scotland, Scottish Parliament Website, Official Report of the Scottish Parliament, PPC Annual Report, PPC submissions to Procedures Committee CSG Enquiry, contact with PPC clerking staff and contact with petitioners. To compile the lists, much of this information was compiled into a research database held by the Scottish Civic Forum, which is available for inspection.

The lists should not be considered exhaustive. It was not possible to look into the history of each petition in full detail and there is a real possibility that errors have been made interpreting the records. There may be successful petitions that are not included here; and some petitioners may dispute the inclusion of their petition in the lists below. The intention, however, is to give a general indication of the scope of the success of the petitions system to date, and tie it to some concrete examples.

(a) Petitions which resulted in committee reports or inquiries (including those that stimulated a committee to take further evidence on a subject)

PE470 From Anthony Jackson on behalf of Munlochy Vigil, calling for the Scottish Parliament to take the necessary steps to (a) immediately end the Genetic Modification (GM) Farm Scale Evaluations and (b) debate the future handling of the GM crops issue in Scotland.

This petition led to the Minister for Rural Affairs giving evidence to the Transport and Environment Committee, and a debate by the whole Parliament, 29th May 2002. The Health and Community Care committee later (5th July 2002) held an enquiry on whether the Scottish Executive's decision to approve the testing of genetically modified crops at a number of specified sites in Scotland may have negative public health consequences.

PE327 From Mr Duncan Hope on behalf of the Blairingone and Saline Action Group calling for the Scottish Parliament to request that legislation be revised to ensure that public health and the environment are not at risk from the current practice of spreading sewage sludge and other non-agriculturally derived waste on land in Scotland.

The Transport and Environment Committee wrote a report on the issue, and thanked the petitioners for bringing the issue to their attention. The Committee is currently pressuring the Executive to introduce a full ban using blood products on agricultural land, in line with the petitioners' request.

PE320 From John Watson of the World Development Movement (Scotland) calling for the Health and Community Care Committee of the Scottish Parliament to examine the possible implications for health policy in Scotland of the World Trade Organisation's liberalisation of trade in services.

The Health and Community Care committee appointed John McAllion MSP to write a report on this issue, and his report was discussed by the committee. The petition is ongoing.

PE283 From Geraldine MacDonald on behalf of the Scottish Organisation Relating to the Retention of Organs (SORRO) calling for the Scottish Parliament to initiate a public enquiry into the practice of organ retention at post-mortem.

Health and Community Care committee appointed Dr. Richard Simpson MSP to write a report on this issue.

PE280 From Judy Wilkinson on behalf of the Scottish Allotments and Gardens Society calling for the Scottish Parliament to protect and promote allotment provision in Scotland.

The Local Government committee proposed to hold an enquiry on the issue and agreed to take oral evidence a wide variety of sources.

PE265 From George McAulay on behalf of the UK Men's Movement calling for the Scottish Parliament to take a number of measures regarding false rape charges.

The Justice 1 committee agreed to consult relevant organisations on the issue of anonymity of the accused in cases of sexual offences.

PE187 From the Scottish Gamekeepers Association calling for the Parliament to allow limited licensed culling of birds of prey.

Transport and Environment committee reported on this issue; Scottish Gamekeepers Association was invited to join the Moorland Forum.

PE145 From Mr William P Welsh calling for the Scottish Parliament to take a range of actions with regard to medical conditions arising from vaccinations.

Health and Community Care committee wrote a report on the relationship between the combined Measles, Mumps and Rubella vaccination and autism, and called for an expert group to be set up to conduct further research.

PE139 Platform Adult Learning Centre calling for the Scottish Parliament to provide translation services for meetings of the Parliament and Committee meetings for people with sensory disabilities.

Equal Opportunities committee commissioned research on translation services in other Parliaments, and inspected the Scottish Parliament Corporate Body's draft policy on translation services within the Scottish Parliament. The Committee subsequently wrote to the Presiding Officer with the recommendation that the Parliament's policy on interpretation be changed to allow automatic provision of sign language interpreters whenever a substantive disability issue was to be discussed in public by a committee. The Parliament accepted this recommendation and changed its guidelines.

PE123 From The Scottish Warm Homes Campaign calling for the Scottish Parliament to identify, discuss and seek to implement measures which would eradicate fuel poverty as a matter of urgency.

The Health and Community Care Committee appointed Malcolm Chisholm MSP, to write a report on the issue, later completed by Dorothy-Grace Elder MSP.

PE113 Campaign for Borders Rail calling for the Scottish Parliament to consider ways of re-instating a railway into and through the Borders, by way of a debate in the Parliament and by consideration by its committees.

The petition attracted wide support from the committees and led to a report by Rural Affairs committee which was debated by the whole Parliament, 1st June 2000. Notably, the PPC went to the Borders to have the petition presented to them and highlighted the level of support for the petition when passing it to the Executive.

PE96 Mr Allan Berry calling for the Scottish Parliament to hold an independent and public enquiry into the adverse environmental effects of sea cage fish farming.

A report on the petition was written jointly between the Transport and the Environment Committee and the Rural Development Committee. The committees agreed to the petitioner's recommendation that the Scottish Executive should be asked to establish an independent enquiry into the issue of sea cage fish farming. The Conveners of the two committees wrote to the Scottish Executive setting out this recommendation.

PE51 From Friends of the Earth Scotland calling for the Scottish Parliament to prevent the release of GM crops into the environment and address the concerns regarding the impact of such releases on the environment and

human health; and PE 60 by the Scottish Green Party calling for the Scottish Parliament to hold a debate on Genetically Modified crops and food.

This led to a report by the Transport and Environment committee, debated in Parliament 3rd May 2001.

PE48 Petition from the Glasgow North Action Group opposing the proposed siting of a Secure Care Centre within the grounds of Stobhill General Hospital.

The Health and Community Care Committee appointed Richard Simpson MSP as a reporter on the issue; the PPC also asked Greater Glasgow Health Board to postpone a decision on the siting of the centre until after the petition had been considered by the Parliament. The Health Board declined this request, prompting the PPC to invite the chief executive and chairman to give evidence to the PPC to give an account of the public consultation processes they went through in choosing the site of the secure unit and why they refused the Parliament's request.

PE45 Petition by Mr P Ferguson calling for the Scottish Parliament to hold an independent enquiry into hepatitis C and other infections of people with haemophilia; and PE185 from Thomas McKissock calling for the Scottish Parliament take the necessary steps to establish a scheme of compensation to assist people in Scotland who have contracted hepatitis C infection as a consequence of infected blood transfusions.

Health and Community Care Committee held an enquiry into hepatitis C and published its report on the 3rd October 2001.

PE14 From Carbeth Hutters' Association calling for the introduction of legislation to provide security of tenure and rights of access for those who own property built on leased land.

This led to a report by the Justice and Home Affairs committee which was debated in Parliament 4th October 2000. As a result there was an amendment to legislation resulting in greater security of tenure to properties built on rented land.

PE13 From Stracathro Staff Action Committee calling for the retention and enhancement of acute services at Stracathro Hospital, by Brechin.

The Health and Community Care committee wrote a report on this issue which was debated by the whole Parliament, 16th March 2000. This was the first full plenary debate based on committee work.

PE9 From Mr R H Guild on the impact of current developments at Cramond, Edinburgh on Roman remains.

The Education, Culture and Sport Committee appointed Brian Monteith in November 1999 to meet the petitioner and write a report on the Roman remains. The report was completed in strongly favourable to the petition and called for a group to be set up to oversee the protection of the site. The setting up of the group was agreed but it was very slow in producing results. The petitioner spoke to the Procedures Committee in December 2001 to complain about the lack of action. After pressure from the committee and the petitioner the group agreed a course of action, and in March 2002 the Committee agreed to visit the Cramond site to check on progress and to request a timetable for further work.

PE8 From the Scottish Homing Union on the impact of the number of birds of prey on the sport of pigeon racing.

The Transport and Environment committee wrote a report on the issue and recommended that the Scottish Homing Union and Scottish Natural Heritage collaborate to commission further research on the issue.

(b) Petitions which resulted in debates in Parliament

PE470 See section (a). Debate held 29th May 2001.

PE113 See section (a). Debate held 1st June 2000.

PE51, PE60 See section (a). Debate held 3rd May 2001.

PE45/PE 185 See section (a). Debate held 10 January 2002.

PE14 See section (a). Debate held 4th October 2000.

PE13 See section (a). Debate held 16th March 2000.

(c) Petitions which resulted in changes to regulations or legislation

PE393 Killin Community Council calling for the Scottish Parliament to consider its view that the Killin area should be included within the proposed boundaries of the Loch Lomond and Trossachs National Park.

The Rural Development Committee supported the petition and wrote to the Minister to recommend the inclusion of Killin. The finalised proposals were changed to include Killin in the Loch Lomond and Trossachs National Park.

PE387 From RSPB Scotland, supporting the Executive's proposals for legislation on wildlife crime set out in the policy document The Nature of Scotland, and calling for the proposals to be enacted more quickly.

This petition was one aspect of a wider campaign involving media work and lobbying the Executive and back bench MSPs. The campaign had a successful outcome for the RSPB: the Executive committed itself to producing the legislation. The petition was not solely responsible for this success, though; rather, the petition served the campaign by opening channels for the public, the media and politicians to get involved.

PE223 See section (a).

PE167, PE259, PE 310 From Kings Park/Croftfoot Community Council calling for the Scottish Parliament to legislate to ensure that telecommunication masts will be subject to full planning controls with this legislation being effective retrospectively.

Led to introduction of new full planning control for all new mobile phone and other telecommunications masts. Masts on buildings currently outwith planning control will be greatly restricted. Regulations came into force 23 July 2001.

PE14 See section (a).

PE3 Hospitalfield Area Residents' Committee on commercial oil seed rape crushing in their area and the effect of this activity on residents' health.

Although the Transport and Environment Committee and the Health and Community Care Committee took no action on the petition, the Executive welcomed the identification of a loophole in the planning regulations pointed out by the petitioners. As a result changes were made to planning and environmental regulation in relation to oilseed rape crushing plants, requiring environmental impact assessments being carried out before they can be set up.

(d) Petitions which allowed local groups to have their voices heard on local issues or which resulted directly in solutions to local issues

PE316 Petition by Mr Hector MacLean calling for the Scottish Parliament to provide the funding and support necessary to design a National Berry Strategy to raise home-based consumption of raspberries within Scotland.

The Committee encouraged the Scottish Executive to enter into dialogue with the petitioners.

PE298 From Mrs Avril McKen calling for the Scottish Parliament to recommend that the Forres ambulance unit remains at Leancoil Hospital, Forres and is upgraded to a 24 hour service, in light of the proposal to relocate the unit to Elgin.

Although the specific matter of the petition was outwith the powers of the Parliament, the committee expressed concerns about the consultation process that the relevant bodies had gone through and recommended that the Grampian Primary Care NHS Trust and the Scottish Ambulance Service should communicate with the petitioners and take their views on board.

PE200 From Mr Andrew Watt calling for the Scottish Parliament to review the working methods of the Legal Aid Board particularly in relation to the collection and disbursement of compensation monies collected.

After a successful outcome, the petitioner's MSP, Patricia Ferguson, wrote to the Committee to thank them for their help.

PE191 From Irene Yardley on behalf of various Health Care Workers calling for the Scottish Parliament to ensure the relevant authorities provide 24 hour police presence at the Accident and Emergency Department, Glasgow Royal Infirmary.

The PPC gathered further information and recommended that the North Glasgow University Hospitals NHS Trust consult with the petitioners about safety arrangements. The petitioners declared themselves very satisfied with the outcome, saying: "...lodging the petition forced management to actually listen to what was going on within their hospital and face the reality that all was not rosy... we do feel that the Petitions committee has helped our case with their support and persistence on issues highlighted by the nursing staff that the management on occasions decided to side step."

PE187 See section (a).

PE69 From James McPherson calling for the Scottish Parliament to direct the body carrying out the Quinquennial Review of the Crofters Commission to hold public meetings in the former crofting counties to explain the background and scope of the review.

The Rural Affairs Committee supported the Petition and asked the Executive to consider the request to hold public meetings in connection with its review of the Crofter's Commission. A Scottish Executive Minister consequently contacted the petitioner directly.

PE54 Mr Garry Cook calling for the Scottish Parliament to give its support to the Celtic 2010 campaign to bring the Football World Cup to Scotland, Ireland and Wales.

The committee supported the petition, and recommended that the Scottish Football Association meet with the petitioner and report on that meeting back to the committee.

PE30 From Almondell Terrace Residents on heavy traffic in Almondell Terrace, Livingston, West Lothian.

The petition prompted discussions between interested parties which led to the introduction of a traffic-calming scheme on the approach to a sewage treatment plant. The petitioners wrote to the committee to thank them for their help.

PE9 See section (a).

APPENDIX TWO: FULL LIST OF CITED CHANGES TO POLICY AND LEGISLATION

1. Abolition of tuition fees
2. Land Reform Bill (4 respondents cite this)
3. Freedom of Information Bill
4. Housing Act (5 respondents cite this: specifically parts relating to disabled people; changes in right to buy; Glasgow stock transfer; the "Right to Buy" element being amended for charitable housing associations; homelessness issues.)
5. Sustainable Development indicators - "influenced the broadening of their scope beyond waste, energy and travel."
6. Community Care and Health Bill (3 respondents cite this)
7. Inclusion of measures to support community owned or managed woodlands in Scottish Forestry Strategy.
8. Transport Bill
9. Inclusion of section on marine environments in National Parks (Scotland) Act.
10. Learning Disabilities Review
11. Proposals for statutory power for Non-Harassment Orders
12. Setting up of working groups to review prevention, protection and provision re. domestic abuse.
13. Proposals for consultation on vulnerable witnesses
14. Sexual Offences (Procedure & Guidance) Act
15. Criminal Justice Bill
16. Increased amount of targeted funding for ethnic minority organisations in Scotland.
17. Water rates relief (3 respondents cite this; in particular the relief for charities and small businesses)
18. Subsidy of SCRO checks for volunteers (3 respondents cite this)
19. Development of a direct payments capacity building project in Scotland - Direct Payment Scotland.
20. The opening up of a debate on role of Scottish parliament re. asylum seekers. (2 respondents cite this, and mention that a Cabinet minister was given responsibility for asylum seekers.)
21. National Care Standards
22. Alcohol Action Plan
23. Mental Health - Adults with Incapacity (3 respondents cite this)
24. Abolition of Feudal Tenure Bill
25. Establishment of the Older People's Unit and consultative forum.
26. National Priorities in Education (2 respondents cite this)
27. Education (Disability Strategies etc.) Bill
28. Transport (Scotland) Bill (specifically: exemption for disabled people on road tolls)
29. Active Communities Initiative

30. Regulation of Care
31. SQA Bill - influenced the widening of the scope of Bill/Advisory Council to cover all functions of SQA not just exams.
32. Influenced report on special needs training and development.
33. Inclusion of reference to Gypsy Travellers in the new "How Good is Our School?" guidelines
34. Inclusion of Gypsy Travellers in the policy at SEW
35. Funding Review - changed funding framework
36. Approach to literacies initiative.
37. Development of Homelessness Task Force. In particular, changes relating to the provision of "Leaving Home" education.
38. Recognition of carers as "partners in provision of care" - no longer just as clients.
39. Statutory duties of local government and NHS.
40. Tourism strategy
41. Improving access to broadband - ICT infrastructure
42. Review of how business/education links should develop.

APPENDIX 3: POSTCODE ANALYSIS OF SCOTTISH CIVIC FORUM MEMBER SURVEY RESULTS

"Central belt" was defined as comprising areas with Glasgow, Edinburgh, Stirling, Falkirk and Irvine postcodes. So defined, thirty-two questionnaires were received from outside the central belt. Some of the questions were cross referenced to see if there were major differences of opinion between central belt and non-central belt groups. It is a reasonable hypothesis that respondents from outside the central belt feel more distant from the political process; it might be expected that this feeling of distance would result in these respondents having different perceptions about the Parliament and Executive. However, the results provide no evidence that respondents from outside the central belt do have different perceptions about the Parliament and Executive, and therefore do not confirm this hypothesis. It will take further research to decide whether this is because civic groups outside the central belt do not feel more distant from the political process, or because the number of respondents is too small.

Key: "all": all respondents

"non-CB": respondents classified as outwith central belt.

Table 1. Level of information about the Scottish Parliament

Percentage saying level is:	
all	non-CB
61 % just right	57% just right
34% too little	37% too little
5% too much	7 % too much
Base 160	Base 30

Table 2. Level of information about the Scottish Executive

Percentage saying level is:	
all	non-CB
58% just right	64% just right
37% too little	28% too little
5% too much	8% too much
Base 138	Base 25

Table 3. Level of Scottish Executive consultation

Percentage saying level is:	
all	non-CB
50% just right	58% just right
33% too little	29% too little
17% too much	12% too much
Base 131	Base 24

Table 4. Desire for more contact with government

Percentage who want more contact with government organisations?	
all	non-CB
64% Yes	53% Yes
36% No	46% No
Base 155	Base 30

Table 5. Problems working with the Civic Forum

Have you encountered any problems?	
all	non-CB
17% Yes	18% Yes
82% No	82% No
Base 154	Base 28

APPENDIX 4: PUBLIC OPINION AND THE SCOTTISH PARLIAMENT

David McCrone, University of Edinburgh.

(a) Scottish Social Attitudes

These data are drawn from the series of surveys on Scottish Social Attitudes in 1999 and 2000, and the Scottish Referendum Survey of 1997. Full details of technical aspects appear in the appendices of Paterson, L. et al., *The Scottish Electorate* (The Macmillan Press, 1999), Paterson, L., et al., *New Scotland, New Politics?* (Polygon at Edinburgh, 2001), and Curtice, J. et al. (eds.), *New Scotland, New Society?* (Edinburgh University Press, 2001).

Table 1: Constitutional Preferences, 1997-2000

	1997	1999	2000
Independent from UK and EU	9	10	11
Independent from UK within EU	28	18	19
Elected Parliament with taxation powers	32	50	47
Elected Parliament without taxation powers	9	8	8
No elected Parliament	17	10	12
base	676	1482	1663

Sources: Scottish Referendum Survey, 1997 (N=676); Scottish Social Attitudes surveys in 1999 (N=1482), and 2000 (N=1663).

The first feature of note is that a devolved parliament, with or without taxation powers, has become the clear will of the majority. There has been a significant falling away in the 'no elected parliament' option to around one in ten of public opinion once a parliament had been established.

Table 2: Constitutional Preferences in England and Scotland

	English respondents 1999	Scottish respondents 2000
Scotland should be:		
Independent from UK and EU	8%	11%
Independent from UK within EU	16%	19%
Parliament with taxation powers	44%	47%
Parliament: no taxation powers	10%	8%
No elected Parliament	13%	12%
base	2718	1663

Sources: for English respondents, British Social Attitudes, 1999; for Scottish respondents, Scottish Social Attitudes, 2000.

Despite speculation in the press that devolution for Scotland would provoke an 'English backlash', there is little evidence of English resistance to a devolved Scottish Parliament. There are distinct similarities in both countries as regards constitutional preferences for Scotland.

Table 3: Democratic effectiveness and the Scottish Parliament

Percentage responding saying Scottish Parliament will:	1997	1999	2000
Give Scotland a stronger voice in the UK	70	70	52
Give ordinary people more say in how Scotland is governed	79	64	44

Sources: as for table 1.

There has been a falling away in positive responses in the first year of the parliament compared with the aspirational responses in 1997 and 1999, although support remains strong.

Table 4: Institution with most influence over the way Scotland is run

	1999	2000	Should have*
Scottish Parliament	41	13	72
UK government at Westminster	39	66	13
Local councils in Scotland	8	10	10
European Union	4	4	1

Sources: Scottish Social Attitudes, 1999 and 2000 (*data based on 2000 survey)

The first year of devolution saw a reality check insofar as the UK government was seen by two-thirds as the more influential in practice. Nevertheless, more than 7 out of 10 people thought that the Scottish Parliament should be most influential, and the key point here is the gap between practice and preference.

Table 5: The Scottish Parliament should be given more powers

	1999	2000
Agree strongly	14	23
Agree	42	43
Neither	20	15
Disagree	18	12
Disagree Strongly	4	5

Sources: Scottish Social Attitudes, 1999 and 2000

The belief that the Scottish Parliament ought to be more influential is corroborated by the fact that two-thirds of Scots believe the Parliament should have more powers, substantially up on the 1999 figure. This suggests that dissatisfaction results not from the Parliament's existence but what are perceived to be inadequate powers vis-à-vis Westminster.

Table 6: Constitutional preference and desire for more powers

Percentage wanting more powers	1999	2000
Independent from UK and EU	82	90
Independent from UK within EU	85	89
Parliament with taxation powers	52	67
Parliament without taxation powers	40	42
No change	15	21

Sources: Scottish Social Attitudes, 1999 and 2000

As table 6 shows, it is precisely among supporters of devolution rather than independence where there has been the most significant increase in demand (up from 52% to 67%) for a more powerful parliament.

Table 7: Trust to work in Scotland's long term interests

UK Government	1997	1999	2000
Just about always	4	2	1
Most of the time	31	29	16
Only some of the time	53	52	54
Almost never	11	14	26

Scottish Parliament	1997	1999	2000
Just about always	36	26	9
Most of the time	48	55	44
Only some of the time	12	14	34
Almost never	3	2	9

Sources: as for table 1.

While there has been a falling away in optimism concerning what a parliament can achieve for Scotland's long term interests, there remains a huge trust differential between Holyrood and Westminster. While only 17% of Scots would trust the UK government to work in Scotland's long-term interests, fully 3 times that proportion (53%) would trust Holyrood all or most of the time to do so.

Table 8: Which of the following comes closest to your views:

A Scottish Parliament will make Scotland:	1997	1999	2000
More likely to leave UK	42%	37%	27%
More likely to stay in UK	32%	30%	25%
No difference	19%	27%	43%

Sources: as for table 1

A more relaxed and sanguine view seems to have developed as regards where, if anywhere, devolution might lead in constitutional terms. In spite of hopes or fears that devolution would be a 'slippery slope' to independence, the largest number of Scots now take the view that it would make no difference.

Table 8: Getting Help

'Say you or someone in your family had a serious personal problem [about payment of child benefit/about getting treatment on NHS], and you decide you need to go to a politician for help. Who are you most likely to turn to?

	Help with Child Benefit	Help with NHS treatment
Local councillor	61%	46%
MSP	19%	29%
MP	15%	20%
Don't know	5%	5%
base	1663	1663

Source: Scottish Social Attitudes, 2000

What this table reveals is that people are much more likely to turn, at least in the first instance, to their local councillor for help with matters which are ultimately the responsibility of politicians further along the political chain.

(b) Opinion Polls, 2001

The Scottish Attitudes Survey for 2000 was carried out in the summer of that year, twelve months after the parliament had been established. To gauge what has happened in the following twelve months, we turn to relevant opinion polls, notably by ICM for The Scotsman group of newspapers.

In year-on-year terms, there has been a significant increase in the ratings for the Scottish parliament. In an ICM polls for The Scotsman and Scotland on Sunday respectively, people were asked:

Table 9: Achievements of the Scottish Parliament

'From what you have seen or heard, do you think that the Scottish Parliament has achieved a lot, a little, or nothing at all?'		
	September 2000	February 2001
A lot	11%	25%
A little	56%	56%
Nothing at all	29%	14%
base	1000	1003

Focusing on the February 2001 poll, Labour voters were the most likely to say the parliament had achieved 'a lot' (33%), and Conservatives that it had achieved 'nothing' (34%). Young people (18-24) had a more positive view of the parliament than older people, with only 10% of the young compared with 17% of the older group saying it had achieved nothing. There were no significantly different responses by gender, social class or by region.

Table 10: Institutional Relevance

An ICM poll for The Scotsman in May 2001 asked: 'which of the following institutions do you think is more relevant in dealing with issues affecting you?'	
Westminster Parliament	21%
Scottish Parliament	32%
Both equally	42%
Don't know	5%
base	1000

Young people (18-24 year olds) took a more positive view of the Scottish Parliament than those 65 or over. While 46% of young people aged 18-24 thought the Scottish parliament had most relevance (compared with 24% of those 65 or over), few (7%) thought Westminster was most relevant (compared with 27% of older people). On the other hand, the UK government was deemed to have most influence over the quality of the NHS and schools in Scotland (38%), compared with 27% who thought it was the Scottish Executive.

An ICM June 2001 poll for The Scotsman asked people which level of government should raise and collect taxes, and found that 37% said this should be done by the Scottish Executive, 17% by the UK government, and 38% that it should be a shared responsibility. Once more, younger people (aged 18-34) were more likely to want the Scottish body to be the more influential.

A previous ICM poll in February 2001 found that 67% thought that the Scottish Executive should be responsible for setting and collecting taxes in Scotland, with 27% in favour of the UK government. Once more, young people (18-24) were more likely to say the Executive (84%), as well as SNP supporters (91%), with Labour voters on 62%. Conservatives (54%) and 55-64 year olds (36%) were more likely to want the UK government to be responsible for tax-collecting.

A poll in March 2001 asked: 'The Scottish Parliament has the power to raise taxes in Scotland. Would you be willing or unwilling to pay more tax if the money was spent on better services for Scotland?' Sixty six percent said they were willing (notably 35-44 year olds on 75%), and 27% unwilling (disproportionately older people).

System Three's poll for the Sunday Herald in February/March 2001, indicated that 57% wanted the Scottish Parliament to have more powers than at present, marginally down from 62% in April 2000, but broadly comparable to the majority in the Scottish Social Attitudes surveys. Policy areas favoured to come under the responsibility of Holyrood included taxation (58%), social security (54%), railways (38%), and broadcasting (30%). Young people were more likely than older people to want the Scottish Parliament to have more powers (67% and 48% respectively). While, unsurprisingly, SNP voters are also in favour of more powers (88%), a majority of Labour voters (57%) also favour such a proposal.

Conclusion

In broad terms, and judging from the surveys and polls to date, the views of people in Scotland might be summed up as follows:

- That in terms of constitutional preferences, devolution appears to have bedded down, and it is noticeable that hostility to any form of Home Rule has been reduced to around 1 in 10 of the population. People are also more sanguine as to whether devolution will ultimately lead to Independence.
- While there has been a downsizing of people's expectations of the Parliament, notably compared with those held before the Parliament was set up, there is now a clear dissonance between the *realpolitik* that Westminster in practice is the institution with the most influence over Scotland, and people's belief that it should be the Scottish Parliament. As a consequence, there has been a hardening of the view that the Scottish Parliament needs more powers.
- There is a major differential as regards which parliament people trust to work in Scotland's long-term interests, with Holyrood being more trusted than Westminster by a factor of 3.
- Over time, the proportion thinking that the Scottish Parliament has achieved a lot has doubled, and those thinking it has achieved nothing at all has halved.

Finally, one should note that the Scottish Social Attitudes survey was carried out in 2000 (the 2001 survey carries far fewer 'political' questions, and the results will not be available until mid-2002), and the commercial opinion polls for Scottish newspapers were carried out in the first half of 2000, reflecting the run-up to the British general election in June 2001. There are no polls or surveys available during the second half of 2001.



**SCOTTISH
CIVIC
FORUM**

Scottish Civic Forum, 21 Queen Street, Edinburgh EH2 1JX.
Tel. 0131 225 6789 Fax. 0870 051 1192 www.civicforum.org.uk