

PARLIAMENTARY BUREAU

REFERRAL OF MEMBER'S BILLS

The Bureau is invited to consider the referral of the following three Member's Bills.

REFERRAL OF DRAFT PROPOSAL FOR A SCOTTISH EMPLOYMENT INJURIES ADVISORY COUNCIL BILL

1. A draft proposal for a Scottish Employment Injuries Advisory Council Bill was lodged on 20 September 2021 by Mark Griffin MSP.
2. The draft proposal is for a Bill to establish a statutory Scottish Employment Injuries Advisory Council to research, shape and scrutinise the social security available to people injured in the course of their employment and to define the membership requirements of the Council.
3. The draft proposal is accompanied by a statement of reasons setting out why further consultation is not considered to be necessary.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee within whose remit the subject matters falls.
5. The committee may consider the statement of reasons and decide whether it is satisfied with the reasons given in the statement.
6. The proposal falls within the remit of the following committees:

Committee	Remit and relevance
Social Justice and Social Security Committee	<p>The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.</p> <p>The Cabinet Secretary's responsibilities include tackling inequalities, poverty action measures, human rights, child poverty and equalities. The Cabinet Secretary is supported by the Minister for Social Security and Local Government, whose responsibilities include Social Security Scotland, Disability Living Allowance and Industrial Injuries Disablement Benefit.</p>

	<p>As the proposal deals with social security available to people injured in the course of their employment and Industrial Injuries Disablement Benefit, it falls within the remit of this Committee.</p>
<p>Health, Social Care and Sport Committee</p>	<p>The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care and matters relating to drugs policy.</p> <p>The Cabinet Secretary is supported by the Minister for Public Health, Women's Health and Sport, whose responsibilities include public health and healthy working lives.</p> <p>As the proposal deals with social security available to people injured in the course of their employment, it also falls within the remit of this Committee from a health perspective.</p>
<p>Equalities, Human Rights and Civil Justice Committee</p>	<p>The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <ul style="list-style-type: none">• matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament• human rights, including Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom• matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans <p>In these Rules, "equal opportunities" includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.</p>

7. This draft proposal is based on a proposal made in Session 5 by Mark Griffin MSP. The consultation was concluded and a summary of responses was published, but ran out of time to reach final proposal stage before the end of the session, and was not referred to a committee at that stage.
8. As this draft proposal is accompanied by a statement of reasons, it must be referred to one committee, which may consider and decide whether it is satisfied by the statement.
9. The statement of reasons states that the proposed Bill would:
 - Establish a Scottish Employment Injuries Advisory Council (SEIAC) as an independent advisory non-departmental public body.
 - Give the SEIAC duties to:
 - Scrutinise legislative proposals for the overarching design of the employment injuries (EIA) system and entitlement policy; and
 - Continually advise and recommend changes to the EIA entitlement policy and its design'
 - Mandate the membership and membership balance of the Council, including representation of workers and their trade union representatives on the Council.
 - Ensure that the Council has legal freedom, so long as it can meet its duties, to:
 - (a) investigate and review emerging industrial and employment hazards which result in disablement through disease or injury (in Scotland and other advanced economies); and
 - (b) commission its own research in order to make recommendations for ongoing evolution of the EIA design and entitlement policy.
10. The proposal therefore seeks to establish a new, independent advisory council in law, for the purposes of shaping the reform of the employment injuries assistance scheme due to be introduced in Scotland in place of the reserved Industrial Injuries Disablement Benefit Scheme.
11. The proposal engages the remits of Social Justice and Social Security Committee, the Health, Social Care and Sport Committee and the Equalities, Human Rights and Civil Justice Committee in the Parliament. It is considered that, of those committees, the Social Justice and Social Security Committee has a stronger remit-based interest in the proposal. This is because the Cabinet Secretary for Social Justice, Housing and Local Government has responsibility for, amongst other things, social security, Disability Living Allowance and Industrial Injuries Disablement Benefit.
12. It is considered that the Social Justice and Social Security Committee would be best placed to consider all aspects of the proposal and the reasons as to why further consultation is not required.

Recommendation

13. The Bureau is invited to refer the draft proposal for a Scottish Employment Injuries Advisory Council Bill to the Social Justice and Social Security Committee.

REFERRAL OF DRAFT PROPOSAL FOR THE DISABLED CHILDREN AND YOUNG PEOPLE (TRANSITIONS TO ADULTHOOD)(SCOTLAND) BILL

14. A draft proposal for a Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill was lodged on 20 September 2021 by Pam Duncan-Glancy MSP.

15. The proposal is for a Bill:

- To require the Scottish Ministers to introduce, and to implement, a statutory National Transitions Strategy to improve outcomes for disabled children and young people in the transition to adulthood;
- to require the Scottish Ministers to assign to a member of the Scottish Government, or to a junior Scottish Minister, special responsibility in relation to the exercise of their functions under the legislation; and
- to require local authorities to introduce a transitions plan for each disabled child and young person to ensure that each disabled child and young person receives appropriate care and support before, and during, the transition to adulthood.

16. The draft proposal is accompanied by a statement of reasons setting out why further consultation is not necessary.

17. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee within whose remit the subject matters falls.

18. As this draft proposal is accompanied by a statement of reasons, it must be referred to one committee, which may consider and decide whether it is satisfied by the statement.

19. The proposal falls within the remit of the following committee(s)

Committee	Remit and relevance
Equalities, Human Rights and Civil Justice	The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A)— <ul style="list-style-type: none">• matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament• human rights, including Convention rights (within the meaning of section 1

	<p>of the Human Rights Act 1998) and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom</p> <ul style="list-style-type: none">• matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans <p>In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.</p> <p>The Minister for Equalities and Older People supports the Cabinet Secretary for Social Justice, Housing and Local Government, and her responsibilities include disability equalities, including the National Transitions to Adulthood Strategy.</p>
<p>Education, Children and Young People Committee</p>	<p>The Committee’s remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry within the responsibility of the Deputy First Minister.</p> <p>The Cabinet Secretary’s responsibilities include: attainment, and closing the attainment gap, National Improvement Framework, removing barriers to education and supporting digital inclusion and protection of vulnerable groups, additional support for learning, cross-government support for learning disabilities, autism and neurodiversity and learning difficulties</p>

Social Justice and Social Security Committee	The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.
Local Government, Housing and Planning Committee	The Committee's remit is to consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy, and matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister.

20. This draft proposal is based on a proposal made in Session 5 by Johann Lamont MSP “for a Bill to require the Scottish Ministers to introduce, and to implement, a National Transitions Strategy to improve outcomes for children and young people with a disability in the transition to adulthood, and to require local authorities to introduce a transitions plan to ensure each child and young person with a disability receives appropriate care and support before, and during, the transition to adulthood; and for connected purposes”.
21. The previous final proposal was lodged on 18 June 2020. Johann Lamont earned the right to introduce a bill, and a bill was subsequently introduced on 30 September 2020. The Bill was referred to the Education and Skills Committee, under the terms of its session 5 remit. The Committee took stage 1 evidence on 24 February 2021. However, due to a lack of time, the bill fell at the end of session 5 on 5 May 2021.
22. Only one committee can consider a statement of reasons. Once a bill is introduced more than one committee can scrutinise it, for example one or more committees can be secondary committees at stage 1.
23. The draft proposal clearly falls within the remit of the Equalities, Human Rights and Civil Justice Committee as it deals specifically with children and young people with disabilities. The Committee's remit includes

consideration of matters relating to the prevention, elimination or regulation of discrimination on grounds of disability.

24. The draft proposal falls within the remit of the Local Government, Housing and Planning Committee as far as it will place a requirement on local authorities to prepare and deliver transition plans for disabled children.
25. The Social Justice and Social Security Committee's remit is engaged by the proposal, as the Committee considers areas of responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning. The Minister for Equalities and Older People, is a supporting Minister to the Cabinet Secretary.
26. The Education, Children and Young People Committee's remit is engaged in so far as the draft proposal relates to the transition of young people.
27. It would seem that the Equalities, Human Rights and Civil Justice Committee may be best placed to consider all aspects of the background of the proposal and the reasons as to why further consultation is not required, taking into account the proposal's primary focus on equalities and disability in particular. In this regard, it should be noted that this Committee can scrutinise the Minister for Equalities and Older People who has responsibility for disability equalities, specifically including the National Transitions to Adulthood Strategy.

Recommendation

28. The Bureau is invited to refer the draft proposal for the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill to the Equalities, Human Rights and Civil Justice Committee.

REFERRAL OF DRAFT PROPOSAL FOR THE ASSISTED DYING FOR TERMINALLY ILL ADULTS (SCOTLAND) BILL

29. A draft proposal for an Assisted Dying for Terminally Ill Adults (Scotland) Bill was lodged on 22 September 2021 by Liam McArthur MSP.
30. The proposal is for a Bill to enable competent adults who are terminally ill to be provided at their request with assistance to end their life.
31. The draft proposal is accompanied by a consultation document which runs from 23 September 2021 to 22 December 2021.
32. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.

33. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.

34. The proposal falls within the remit of the following committee.

Committee	Remit and relevance
Health, Social Care and Sport Committee	To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care and matters relating to drugs policy.

35. The subject matter of the proposed Bill relates to terminally ill adults in Scotland, and making it legal for them to request and have an assisted death. The proposal sets out the process by which this would happen, and how healthcare professionals would be involved. It therefore engages the health care part of the Health, Social Care and Sport Committee's remit.

Recommendation

36. The Bureau is invited to refer the draft proposal on the Assisted Dying for Terminally Ill Adults (Scotland) Bill to the Health, Social Care and Sport Committee.

**Non-Government Bills Unit
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