



The Scottish Parliament
Pàrlamaid na h-Alba

Conveners Group

Agenda

6th Meeting, 2022 (Session 6) Wednesday 22 June 2022

The group will meet at 12.30pm in Committee Room 2.

1. Minutes
2. Post-EU scrutiny Session 6 strategic priority for CG: update on progress
3. Cross-committee scrutiny Session 6 strategic priority for CG: approach to scrutiny and role for CG
4. Net zero and sustainable development Session 6 strategic priority for CG: approach to scrutiny

Next meeting – Wednesday 21 September

The papers for this meeting are as follows –

- | | | |
|----|-------------------------|--------------|
| 1. | Minutes of last meeting | CG/S6/22/5/M |
| 2. | Post-EU scrutiny | CG/S6/22/6/1 |
| 3. | Cross-committee working | CG/S6/22/6/2 |
| 4. | Net zero scrutiny | CG/S6/22/6/3 |

Contact details for the clerk

Irene Fleming
Clerk to the Conveners Group
Room T3.40
The Scottish Parliament
Tel: 0131 348 5256
Email: Irene.Fleming@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba

Conveners group

Minutes

5th Meeting, 2022 (Session 6) Wednesday 25 May 2022

Present:

Liam McArthur MSP, Convener

Clare Adamson MSP, Constitution, Europe, External Affairs and Culture Committee

Claire Baker MSP, Economy and Fair Work Committee

Siobhian Brown MSP, COVID-19 Recovery Committee

Ariane Burgess MSP, Local Government, Housing & Planning Committee

Jackson Carlaw MSP, Citizen Participation and Public Petitions Committee (virtual)

Finlay Carson MSP, Rural Affairs, Islands & Natural Environment Committee

Joe FitzPatrick MSP, Equalities, Human Rights & Civil Justice Committee (virtual)

Kenneth Gibson MSP, Finance & Public Administration Committee

Dean Lockhart MSP, Net Zero, Energy & Transport Committee

Gillian Martin MSP, Health, Social Care and Sport Committee (Virtual)

Martin Whitfield MSP, Standards and Procedures and Public Appointments

Committee

Elena Whitham MSP, Social Justice and Social Security Committee

Apologies were received from:

Stephen Kerr MSP, Richard Leonard MSP, Audrey Nicoll MSP and Stuart McMillan MSP

1. **Minutes:** The Conveners Group agreed the minutes of the last meeting. The Group also noted the response from the Minister for Parliamentary Business to the Group's letter on timings for lodging of LCMs. The Group also discussed gender balance on committees and agreed to consider it in greater detail at a future meeting
2. **Overview of the new hybrid working system for committee rooms:** The Group received a briefing on the new system that will be used to facilitate hybrid committee meetings.
3. **Standards, Procedures and Public Appointments Committee – inquiry on future Parliamentary procedures and practices:** The Group discussed the

SPPA Committee's inquiry on future Parliamentary procedures and practices and agreed to write to the committee.

4. **Scotland's Futures Forum:** The Group received a briefing on the work of the Forum and the opportunities for collaboration with committees.
5. **Post EU Scrutiny Session 6 Strategic Priority for CG: update from Constitution, External Affairs, Europe and Culture Committee - Parliamentary Partnership Assembly first meeting:** The Group received an update from Clare Adamson MSP, on the first meeting of the Parliamentary Partnership Assembly.
6. **Participation, Diversity and Inclusion Session 6 Strategic Priority for CG: update from Citizen Participation and Public Petitions Committee – inquiry on citizen participation:** The Group received an update from Jackson Carlaw MSP, on the CPPPC's inquiry on citizen participation.

Date of Next Meeting: 22 June 2022

Contact details for the clerk

Irene Fleming
Clerk to the Conveners Group
Room T3.40
The Scottish Parliament
Tel: 0131 348 5256
Email: Irene.Fleming@parliament.scot

Conveners Group

6th Meeting, 2022 (Session 6), Wednesday 22 June 2022

Cross-committee working: Post-EU scrutiny

Introduction

1. The purpose of this paper is to update the Conveners Group on progress in relation to post-EU scrutiny issues.

Background

2. Conveners will recall that at its meeting on 30 March the Group considered post-EU issues scrutiny as part of its strategic priority on cross-committee working. The Group recognised that the devolution landscape has changed significantly since the UK left the European Union and the consequent challenges of conducting effective scrutiny of post-EU issues.
3. At that meeting the Group considered these scrutiny challenges and examined the respective roles the key players have to play. This includes the role of the Constitution, Europe, External Affairs and Culture (CEEAC) Committee, other committees and Conveners Group, and the Parliament as a whole.
4. The CEEAC Committee has a clear lead role in this. This includes liaising with the Scottish Government to establish ways in which to scrutinising these issues as well as engaging with other processes and institutions.
5. Given the complexities involved, the Group agreed that it has a role in raising awareness of and coordinating these issues as well as preserving the Parliament's position to ensure that it has the means to conduct effective scrutiny.
6. At that meeting, the Group agreed a number of action points in addressing post-EU scrutiny challenges. In order to maintain momentum, it was agreed that the Group would receive an update on progress being made on the various action points at a meeting before the summer recess.
7. An update on agreed action is provided below.

Progress made on agreed action

Action point 1

The Group agreed—

- to note the decision by CEEAC Committee that Scottish Parliament and Scottish Government officials will work to develop processes to address scrutiny gaps in transparency and accountability of post EU decision-making.

- to provide support for the need to address the post-EU scrutiny gaps and to continue to monitor this work.

8. The Scottish Parliament/Scottish Government officials' working group has met twice and has agreed to prioritise the impact of Brexit on the legislation process.

9. CG will be kept updated on progress being made by this working group.

10. The Scottish Government also published a revised statement of policy on 16 May on Alignment with EU law which is required by the Continuity Act 2021. The Government has confirmed that it will—

- provide information on Ministers' intentions regarding EU alignment in respect of not only the Continuity Act power but also other legislative means
- provide information annually regarding its priorities for alignment based on the European Commission's work programme
- provide information on alignment in relevant policy notes, accompanying legislation, and within Business and Regulatory Impact Assessments.

11. The CEEAC Committee wrote to the Cabinet Secretary on 26 May noting that the revised statement of policy does not address some of the issues it raised with regards to transparency and Ministerial accountability. This includes—

- that it is not clear from the draft policy statement how the Scottish Government will make decisions about which EU laws to align with or not;
- that there is no commitment to set out which EU laws the Scottish Government has decided not to align with;
- noting the importance of transparency, not just for the Parliament, but for stakeholders who also need to be clear on where there is alignment and where there is proposed divergence. The Committee's view is that there is not that transparency at the moment.

12. The policy statement was agreed by the Parliament by division on 7 June.

Action point 2

- **that CPD should be offered to Members/committees on the post-EU landscape**
13. CPD on new constitutional arrangements has focused on two key areas since the issue was last raised at CG.
 14. Firstly, SPICe continues to offer bespoke one-to-one meetings with members to discuss the new arrangements. These have been highlighted on emails addressing CPD. These sessions will continue to be offered throughout the session.
 15. Secondly, a SPICe breakfast seminar was held which sought to explain some of the new constitutional arrangements and, in particular, their impact on transparency and scrutiny. The session was chaired by the clerk to the CEEAC Committee. SPICe speakers included were all senior researchers covering the affected areas. The session was primarily aimed at MSPs and their staff. This followed on from a number of requests made by MSPs to have an MSP staff session. SPICe would be happy to re-run the session either in person or online.
 16. This builds on CPD material which is already available such as SPICe FAQs on new constitutional arrangements and a podcast with CEEACC advisers on the Committee's report on the UK internal market.
 17. The breakfast seminar and one-to-one sessions have seen limited success. Officials are giving further thought as to how a wider audience can be reached.
 18. **In line with that, it would be helpful to get the Group's thoughts on what timings and format would be best suited to future events for MSPs and MSP staff.**

Action point 3

- **that discussions on alternative opportunities for scrutiny of LCMs which confer new subordinate legislation powers on UK Ministers in devolved areas are to be taken forward by Scottish Parliament and Scottish Government officials.**
19. The Group noted that the Delegated Powers and Law Reform (DPLR) Committee wrote to Scottish Ministers highlighting the number of UK bills which have conferred powers on UK Ministers which are not in former EU areas. As such that they do not fall within the scope of SI protocol 2 (discussed below under action point 5).
 20. As there is no requirement for the Scottish Government to provide explanation of its decision making in the circumstances, it is difficult for

committees to carry out effective scrutiny of these LCMs. This includes decisions by Scottish Ministers to consent to the use of such powers.

21. The Group also noted that SI Protocol 2 can only operate effectively where the UK Government requires to obtain the consent of the Scottish Ministers before exercising powers to make subordinate legislation. A number of UK bills this session contain powers requiring consultation with the Scottish Ministers and other devolved administrations, but not consent.
22. The Group therefore noted the need for more information explaining the Scottish Government's decision making in these circumstances in order to support committee scrutiny of these LCMs.
23. This issue is under consideration by the SP/SG officials' working group mentioned in paragraph 8.

Action point 4

- **to consider ways to develop the Group's interparliamentary role and seek to develop a working relationship with its counterparts in other legislatures**
24. Initial approaches have been made to the Group's counterparts in other legislatures and discussions are at an early stage. The Group will be kept up to date on progress in this area.

Action point 5

- **to agree recommendations made by CEEAC Committee on review of SSI protocol and SI protocol 2**

SSI protocol

25. Members will be aware that the SSI protocol was created with the aim of enabling effective parliamentary scrutiny of SSIs made under the European Union (Withdrawal) Act 2018 (EUWA).
26. As the processes have developed, the focus of committees has moved on to the policy choices and direction of the Scottish Government in post-EU areas. The usefulness of the protocol has therefore lessened.
27. The Group agreed with the CEEAC Committee recommendation to discontinue the SSI protocol as it no longer facilitates proportionate or effective scrutiny.
28. This decision was subject to final consideration by the DPLRC. The Committee agreed to write to the Minister for Parliamentary Business in those terms.

29. The Scottish Government has agreed with this proposal and also indicated that in order to adhere to the statutory requirements under EUWA it will continue to—

- make the statements required by EUWA and detail these in policy notes, where required.
- where an SSI is made under powers in EUWA, provide information in the policy note about the law being amended by the SSI and the reasons for, and effect of the proposed change or changes to retained EU law.

SI protocol 2

30. SI protocol 2 deals with UK statutory instruments which make provision within the legislative competence of the Scottish Parliament in post-EU areas. The purpose of the protocol is to enable the Scottish Parliament to hold the Scottish Ministers to account on whether or not to consent to UK Ministers making this legislation.

31. The protocol is subject to a formal review by both parties. The Group has agreed to the CEEAC Committee recommendation that a formal review should be undertaken by Scottish Parliament officials on behalf of committees.

32. The timetable and process for taking forward the review is under consideration by the SP/SG officials' working group mentioned in paragraph 8.

Recommendation

33. The Group is invited to consider and note the updates provided in this paper on post-EU scrutiny matters. A further update on progress being made in these areas will be provided to the Group before the end of the year.

Conveners Group

6th Meeting, 2021 (Session 6), Wednesday 22 June 2022

Cross-committee working

Purpose

1. The purpose of this discussion paper is to enable Conveners to consider possible approaches to cross-committee working. This is based on experience gained from recent cross-committee scrutiny work.
2. The paper sets out how well things have worked over the first year of this session, and whether there are any lessons to be learned and consider ways to address possible barriers. This includes the role of the Conveners Group and what it can do in order to facilitate this work.

Introduction

3. Conveners will recall that cross-committee working was identified as a particular priority during discussions on the Group's strategic priorities at the beginning of the session.
4. The Group acknowledged that policy areas and remits have become increasingly complex over the sessions. The cross-cutting nature of public policy means that there are many areas of scrutiny which would benefit from a cross-committee perspective.
5. This paper demonstrates that achieving cross-committee scrutiny can be challenging. It requires cooperation and coordination which can involve a lot of planning and commitment.
6. However, when it is conducted well the benefits are clear. These include avoiding unnecessary duplication; ensuring that issues do not fall between different remits and making sure that policy is considered in a holistic way, rather than through a departmental silo.
7. Dividing the scrutiny work between committees ensures that the committees with subject expertise are able to provide informed scrutiny of the areas within their remits. It also shares the scrutiny burden between more than one committee.
8. Ultimately, cross-committee scrutiny develops and enhances the Parliament's scrutiny role including its role in informing and improving public policy.

Background

9. Cross-committee scrutiny takes a variety of forms. It involves session-wide issues which impact on most, if not all, committee remits. In this category the Group has agreed that focus should be put on net zero and post-EU issues. These are complex issues and will be dealt with under separate agenda items at the meeting. Under these items the Group will be invited to consider specific approaches to scrutiny in these complex areas as well as receiving updates on work that has been taken forward in these areas.

10. This paper focuses on possible approaches to cross-committee scrutiny more generally. In particular, scrutiny of referred business such as legislation, as well as scrutiny of other complex areas of public policy which is carried out through self-initiated inquiries.

11. The commitment by the Group to support cross-committee work is a valuable starting point. Some inroads have already been made with many examples of cross-committee work being carried out so far this session. This paper pulls together some of that experience in order to share learning of what worked well and areas where there are possible barriers.

12. In doing so, it provides the opportunity for the Conveners Group to restate its commitment to cross-committee working by identifying what other action may be taken to support committees in this work.

13. The Group has previously noted that there are a number of processes already in place which are intended to facilitate this work. These include bilateral communication between Conveners as well as close working between the officials who support the work of individual committees. These processes are ongoing.

Examples of cross-committee scrutiny

14. The following paragraphs draw on case studies as examples of recent cross-committee inquiry work and considers possible lessons to be learned. This paper draws on the recent experience of scrutiny of—

- the Coronavirus (Recovery and Reform) (Scotland) Bill
- the National Planning Framework 4 (NPF4)
- the inquiry into drugs death taskforce led by the Criminal Justice Committee and which engaged the remits of the Health and Social Care Committee and the Social Justice and Social Security Committee
- the inquiry into health inequalities led by the Health and Social Care Committee which is a complex area of scrutiny.

15. As an item of future scrutiny, the National Care Service Bill is expected to be a complex piece of legislation. It is due to be introduced in the coming weeks and so the approach to cross-committee scrutiny of the Bill is under active consideration.

Challenges and lessons learned

16. The approach to scrutiny of referred work will depend on the item of business itself and the subject matter it covers.

17. The decision to pursue a joint inquiry can vary and the approach taken will depend on a number of factors, including the subject matter and the nature of the issues, the willingness and availability of members of to participate and what outcome is sought.

18. Conveners will also note that the subject matter of the Bill, report or other document will be set before it is referred and so there is limited scope to shape the inquiry. It is therefore important to consider how shared scrutiny can best be delivered.

19. The experience of these inquiries has shown that there are a number of common issues. In particular, in order to gain engagement across committees, the **need for early communication** between those involved is of vital importance.

20. Committees all have busy work programmes. It is therefore important that this is factored into any planning in order for **space to be found in work programmes** to allow committees to participate if they wish to do so. To facilitate this all committees involved should be approached and engaged in the process as early as possible.

21. As it can be challenging to find time in the work programmes to carry out this work, the willingness to compromise is also very important. For example, it may be necessary to assign meeting slots in a committee's work programme to conduct cross-committee scrutiny. An alternative would be for additional meetings outwith the normal meeting patterns. **All of these approaches require compromise and flexibility.**

22. The Drugs Deaths Taskforce inquiry approach is a good example of this. In this case, representatives of all committees involved participated in the joint evidence sessions on behalf of their committees. Flexibility here proved to be essential as any Member from any of the three committees was able to attend a meeting on behalf of their party. This flexibility helped some Members in deciding to take on this additional work. A meeting slot was also given up by a committee for one evidence session and permission sought to meet at the same time as the chamber to hear from a UK Minister.

23. The Group is invited to note the need for early engagement between the committees involved and the importance of flexibility and compromise in order for joint inquiry sessions to be scheduled.

24. Communication of this type of scrutiny work is also important. As an example, multiple channels were used to raise the profile of the **Coronavirus (Recovery and Reform) (Scotland) Bill** with officials and members. These included the Convener highlighting the bill at Conveners Group. This allowed discussions to take place with the other committees whose remits were engaged, thereby ensuring a coordinated approach was taken. The Group can therefore be used as a forum to highlight

forthcoming inquiries of a cross-committee nature which committees may wish to engage in.

25. Other procedures can be used, including the use of the Committee Announcement mechanism in the chamber as well as communication amongst officials.

26. The Group may wish to consider ways in which to highlight the existence of forthcoming cross-committee to increase the opportunity for committees to be involved in this.

27. The remit and inquiry approach also need to be agreed with the Committees beforehand and adhered to. This includes identifying which committee will be leading.

28. For the drugs death taskforce inquiry an approach paper was agreed by each Committee, as well the parties nominated who would attend the joint meeting. Following the second meeting, an options paper was circulated for agreement. It proposed that some issues be followed up in writing, that a subject debate be requested as a means to cover issues outwith the remit of the three committees, and that Members consider any specific issues which fell within one committee remit be put forward for inclusion in that committee's work programme.

29. The NPF4 was also a large and complex document that one committee alone would struggle to properly scrutinise and so other committees were engaged from the outset. The committees involved all agreed to issue a joint call for views. Joint engagement events were also held which were led by the Local Government, Housing and Planning (LGHP) Committee, but members of the other committees also participated. The committees undertook scrutiny of NPF4 in line with the suggested division of responsibilities and reported to the LGHP Committee.

30. Coordination also needs to be carried out as deadlines will be a feature in scrutiny of referred work which can involve a number of logistical challenges. This is particularly the case where a Bill is referred to more than one committee at Stage 2, such as in the case of the Coronavirus (Recovery and Reform) (Scotland) Bill where Stage 2 scrutiny was undertaken by two committees. In order for the rules to be adhered to, careful coordination is required.

31. The Group may also wish to consider the **outputs of these inquiries**. The recent inquiry into health inequalities covered a range of remits. While there was some cross-committee engagement, there would be scope for further work in this area. It is planned for part of the committee report to include issues which may be explored further by other committees. Using this as an approach will hopefully engage other committees in this work and possibly create the opportunity to consider these issues on a cross-committee basis later in the session.

32. It is also important for there to be **clarity on how the lead committee and other committees interact**, for example how the lead committee will use the reports or other outputs from secondary committees.

33. The Group is invited to note the need for early shared decisions in order to facilitate the management of the process. These include on approach and remit as well as the call for views, which committee is leading and clarity about the output from the inquiry.

34. Aside from the potential complexities, other challenges have involved the timing of introduction of bills or the laying of documents. This is not exclusive to items of business which are cross-cutting in nature. But difficulties in timing can add to existing complexity of managing the process.

35. In the case of the forthcoming National Care Service Bill, the timing of introduction is very close to the summer recess which will require effective coordination across the committees involved to ensure that best use can be made of the recess period. This is required to allow for effective cross-committee scrutiny of the Bill being carried out in the new term.

36. Advance notice from the Scottish Government of the laying of an item of business like this is also helpful in order to coordinate committee input. In the case of NPF4, very little advance notice was provided of the laying of the draft framework which impacted on the scrutiny process.

37. Issues have also been raised on the engagement of the Scottish Government in cross-committee work. This was a particular challenge in relation to the inquiry into health inequalities where there was little engagement from Ministers.

38. The Group may wish to consider raising with Minister for Parliamentary Business the timing of the introduction of bills or the notice period for the laying of documents before the Parliament, as well as seeking a commitment from the Scottish Government in relation to the engagement of Ministers in cross-committee work.

39. **Cross-committee working can also take place in the Chamber** where there is scope for joint debates on complex issues. This can be a powerful way of highlighting ongoing or completed scrutiny work. There have been a number of successful committee debates like this so far this session.

40. The Covid-19 Recovery Committee sponsored joint debate on “Baseline health protection measures: preparing for winter and pathways to recovery” successfully helped identify any common priority areas and ensured that the Committee did not duplicate work being done elsewhere.

41. A subject debate was the agreed approach for the drugs death taskforce inquiry so as not to curtail the debate and reflected cross-parliamentary support for addressing these issues.

42. Committee debates can also be used at the outset of an inquiry to allow the Parliament to explore complex issues and potential areas of scrutiny which may fall within the remit of a number of committees. Taking this approach would help to achieve early buy in to cross-committee scrutiny of a particular area.

43. The Group is invited to note the option of using Committee debates to enhance cross-committee working. A range of approaches to cross-committee debates have been tailored to the individual circumstances. These approaches will be used to inform the management of future cross-committee debates.

44. There are a number of other ways to approach cross-committee scrutiny.

45. As noted, joint committee debates have proven to be successful as means to garner a range of views on issues which impacted on a number of committees.

46. There are also other ways in which to encourage joint working, such as commissioning joint research, or appointing a reporter or reporters to attend meetings of other committees.

47. The approach to the National Care Service Bill includes possible joint events with the committees involved. This approach will ensure that the complexities of the legislation can be examined fully from the perspective of a range of committees which will in turn inform the approach to joint scrutiny.

48. As noted at the previous meeting, the Futures Forum is also a resource available for Committees. It can support discussions in either a different format from normal or on topics that cross different Committee portfolios. It may also help Committees to explore an issue that they then go on to examine in an inquiry, cover a topic not otherwise explored or give Members an opportunity to look more strategically at an issue of immediate importance. This approach could create the impetus necessary to take forward complex scrutiny work.

49. Committees may also use joint public participation and engagement work in order to drill down into complex issues in more detail which in turn can help to develop a joint approach.

50. The Group may wish to consider ways in which to use this forum as a means to share forthcoming joint scrutiny work as well as considering approaches and gathering good practice. As a starting point the Group could commit to receiving regular updates on examples of ongoing cross-committee work. This will help to maintain the momentum to encourage work in this area.

Role for Conveners Group

51. This paper highlights a number of points which are intended to help facilitate further work in this area.

52. It is not for the Conveners Group to determine a committee's work programme. The demand for this work needs to be come from the committees themselves.

53. However, in line with its commitment to encourage this type of approach to scrutiny, Conveners are invited to use the experience gained so far to consider ways for this work to be encouraged. In doing so, the Group may wish to pursue more of a supportive and enabling role.

54. As noted, the main challenge to taking this work forward will be the time available for members to participate in joint work. As the session progresses committee work programmes will become increasingly busy, putting more pressure on members' time, making the logistics of getting members together increasingly challenging.

55. This suggests that joint inquiries, including joint events, will more than likely need to take place outwith the normal meeting time of the committees involved. There is a particular risk that joint inquiry work which does not relate to referred work will fall by the wayside as members' time becomes increasingly pressured.

56. This additional challenge should not be seen as a reason not to seek to undertake joint scrutiny work. As the competing demands on members' time increases, it is even more important that the commitment to undertaking this type of inquiry work is underlined.

57. The Group is invited to explore ways in which to encourage further joint scrutiny. This includes finding ways to acknowledge the challenges involved while articulating the benefits of this type of scrutiny to parliamentary colleagues.

58. It is also planned to provide the Group with regular updates on further cross-committee working. This will be developed into a package of measures which draw on this experience for committees to use in order to facilitate this type of work. It is intended that this body of knowledge will be built on as the session progresses with a view to encouraging and facilitating future cross-committee working.

59. Conveners are invited to explore ways to continue to encourage cross-committee working, noting the competing demand on members' time as the session progresses.

Summary & Recommendation

60. The Group is invited to consider ways to address the challenges and barriers to joint scrutiny, in particular, consider these points in light of the experience of recent joint inquiries.

61. It is also invited to underline the commitment to joint work expressed at previous meetings by actively exploring ways in which to take this work forward in individual committees. **This includes reiterating the Group's commitment to drive forward this work.**

62. This paper examines a range of approaches to cross-committee scrutiny and how best to encourage and enable further work in this area. It also pulls together a range of practical suggestions which are intended to help facilitate this work. In summary these are—

- **to reiterate the Group's commitment to drive forward this work.**
- **to consider ways to continue to encourage cross-committee working, noting the competing demand on members' time as the session progresses.**

- to note the need for early engagement between the committees involved and the importance of flexibility and compromise in order for joint inquiry sessions to be scheduled.
 - to consider ways in which to highlight the existence of forthcoming cross-committee working to increase the opportunity for committees to be involved in this (these include raising at Conveners Group, using Committee Announcement mechanism, and communication between officials).
 - to note the need for early shared decisions in order to facilitate the management of the process. These include on approach and remit as well as the call for views, which committee is leading and clarity about the output from the inquiry.
 - to consider raising with Minister for Parliamentary Business the timing of the introduction of bills or the notice period for the laying of documents before the Parliament, as well as seeking a commitment from the Scottish Government in relation to the engagement of Ministers in cross-committee work.
 - to note the option of using Committee debates to enhance cross-committee working. A range of approaches to cross-committee debates have been tailored to the individual circumstances. These approaches will be used to inform the management of future cross-committee debates.
 - to consider the range of means to facilitate cross-committee scrutiny (these include: joint committee debates, commissioning joint research, appointing a reporter or reporters to attend meetings of other committees, arranging joint events, using the Futures Forum to create the impetus necessary to take forward complex scrutiny work, and the use joint public participation and engagement work).
 - to note that the Group will be provided with regular updates on further cross-committee working which will be developed into a package of measures which draw on this experience for committees to use in order to facilitate this type of work.
63. The Group is invited to discuss these points.

Conveners Group

6th Meeting, 2022 (Session 6), Wednesday 22 June 2022

Cross-committee working: Net zero scrutiny

Introduction

1. This paper sets out possible approaches to the scrutiny of net zero and sustainable development. In particular it examines the role of Conveners Group and how this relates to the roles of the Net Zero, Environment and Transport Committee (NZET); other committees and Conveners Group; and the Parliament as a whole.

Discussion

Leadership Role for Conveners Group

2. The scrutiny of climate change (the issue) and net zero (the policy response) falls within the Group's commitment to encourage, facilitate and drive forward cross-committee working. Along with post-EU issues, net zero scrutiny was identified by the Conveners Group as a strategic priority this session under this cross-committee heading.
3. The Group had an initial discussion at its April meeting. Whilst it was recognised that the Net Zero, Energy and Transport Committee plays a leading strategic role in this policy area, the discussion recognised the breadth and scale of the issue, the systemic nature of the policy options, and that there was a role for CG and for other parliamentary committees. These challenges highlighted the need for good communications - at CG level, between committees, and among officials. Beyond this, there was an appetite among Conveners to go further, in order to demonstrate a determination to strengthen scrutiny arrangements in Session 6. Accordingly, officials were asked to set out some options for consideration.
4. Broadly speaking, it is suggested the best way CG can take a leadership role in this area is through encouraging, facilitating and supporting the work of individual committees, and consistency of approach and support across those committees. More specifically, CG may wish to support a series of measures that would, collectively, make it easier for committees to prioritise climate change and net zero scrutiny or otherwise enable the Parliament, as an institution, to hold government to account in order that climate change statutory duties and policy commitments are kept on track.
5. It would still, of course, be a matter for each individual committee to determine its approach to work programming. But the type of statement of intent already

signalled by CG, backed up by a package of measures might collectively demonstrate a practical form of leadership by the Group.

6. As part of this approach it is important to set out the proposed role for the lead committee, in order that other committees can understand where they can maximise their impact and understand how the NZET Committee can provide support (in a similar way that the CEEAC Committee is able to support other committees in relation to post-EU policy scrutiny). Such a model relies on synchronicity of effort between officials and others delivering subject support to committees.
7. Scoping carried out by SPICe, and including in conversation with other parliaments, suggests the innovative approaches suggested in this paper remain world leading – and reflect the discussions hosted by the Scottish Parliament at COP26 on Code Red: The Role for Parliaments in the Climate Emergency.

Role for Lead Committee: Net Zero, Energy and Transport Committee

8. On transport, energy and a number of environmental matters, the NZET Committee has a conventional role as lead Committee in these policy areas, and this of course would include scrutinising the net zero implications of policy in those areas.
9. Over and above this, the Committee recognises that it has a scrutiny role in relation to the cross-portfolio coordination and implementation of net zero policy across government, which mirrors the Cabinet Secretary for NZET strategic role in this area. In other words, the NZET Committee seeks to measure how well the Scottish Government and its agencies are “doing” NZET as a whole, by reference to the statutory 2030 and 2045 targets. By its very nature, this form of scrutiny will tend to be high-level, leaving the way clear for other committees to delve more deeply into the detail of whether net zero targets are being achieved in areas such as justice, health, agriculture, land use, local government, planning, housing and so on.
10. The committee, together with parliament officials, can support other committees as to where and how they can best add value in their scrutiny – this links to suggestions later in this paper.

Package of Options to Strengthen Cross-Cutting Scrutiny

11. The remainder of this paper examines the details of the Group’s possible approach to this work, setting out a package of measures which could be taken forward to support all committees.
12. **Annual updates to CG from the UK Climate Change Committee (UKCCC)** after the publication of the annual Scotland climate change progress report. As detailed at COP26, UKCCC is willing to provide updates and advice to the Scottish Parliament. Conveners could take the issues raised at these sessions to their own committees to inform their scrutiny work. This type of briefing could also

support the work of CG in relation to its twice-yearly sessions with the First Minister.

13. The evidence basis and related focus of scrutiny could be further built by CG-commissioned research to illustrate how climate change impacts on policy areas across subject committees, and vice versa. Such work could be commissioned through and led by SPICe, with delivery potentially through a hybrid of SPICe, advisers and partnerships with Scottish academic departments and others. The research would be shared in written form, alongside an oral briefing for committees- which would include tips on embedding the issues in ongoing work, and any useful bespoke pieces of work. This would help embed net zero scrutiny within the remits of all committees.
14. Alongside, and recognising that committees and officials are pressed for time and resource – the Scottish Government could be asked by CG for specific emissions data for each portfolio area to help committees understand impact and trends in their remit – or to identify data gaps. To be of most value this data should be provided on an annual basis.
15. **Strengthening parliamentary processes & procedure.** The Group may wish to consider whether there is scope for committees to look both at their own practices and the quality of information that the Scottish Government would need to provide to strengthen net zero scrutiny. For example, the **SPPA Committee** could work with the NZET Committee to examine whether the Standing Orders remain fit-for-purpose in terms of the pre-legislative sustainable development requirements. Another option for joint working might be the NZET Committee working with the **Finance and Public Administration Committee** to see how parliamentary budget scrutiny and/or National Performance Framework scrutiny might be strengthened.

Support for committees

16. **The SPCB has agreed to the recruitment of a climate change / net zero adviser to work to the NZET Committee.** However the committee may wish to establish a wider expert advisory panel with expertise to support itself and other committees on matters such as the latest science, technical issues, challenges of policy coherence etc. As an alternative, advisers could be appointed to individual committees – though this would create challenges for scrutiny coherence and may not be best value.
17. Alongside, SPICe continues to follow up COP26 discussions with the UN and the International Institute for Sustainable Development on how the Scottish Parliament can continue at the forefront of innovative climate change and net zero scrutiny. SPICe is also exploring potential collaborations with Scottish universities.
18. **Roll-out of the Sustainable Development Impact Assessment tool (SDIA).** The tool enables committees to approach their inquiry work through the lens of sustainable development. This tool, developed by SPICe to encourage wider and systemic thinking, has been used by some committees at the early stage of the

development of inquiry approaches. Most notably the NZET Committee recently used it to frame its future inquiry into Scotland's ferry services. The tool is available, together with facilitation, for any committee interested.

19. Conveners may wish to consider which pieces of work would particularly benefit from using the tool; it is suggested that it may be particularly relevant to help frame committee approaches to the scrutiny of bills – SPICe could identify some key legislation to run the tool on. SPICe and Clerking colleagues are very happy to work with individual Conveners to consider how it might best be used in the context of specific inquiries.
20. **Net Zero / Sustainable Development CPD for Members.** The Group has already prioritised the promotion of support to assist Members as parliamentarians. There are a number of training/awareness-raising options available to Members, whether for them as individuals (for example the 90-minute Royal Scottish Geographical Society Climate Solutions Accelerator), or to committees, or all-Member briefings (like SPICe breakfast seminars). Enhanced understanding of these issues is often best explored by working on 'live' examples. This is where the Sustainable Development Impact Assessment tool can add value, but SPICe is able to explore and facilitate other bespoke training. It is hoped this work can be further developed with academic and other partners (potentially including UKCCC).

Discussion

21. **The Group is invited to consider these options as a package of proposals to give effect to the Group's decision to prioritise net zero/scrutiny development, as part of its Session 6 strategic priorities.**