

The Standards, Procedures and Public Appointments Committee call for views on committee effectiveness

Response from the Constitutional Law and Human Rights Subcommittee

April 2025



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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors. We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society. Our Constitutional Law and Human Rights Sub-committee welcomes the opportunity to consider and respond to the Scottish Parliament's Standards, Procedures and Public Appointments Committee's call for views on Committee Effectiveness. We can only comment on the effectiveness of the Parliamentary committees in relation to their scrutiny of legal matters and in particular their scrutiny of legislation.

General Comments

Q8. Have you engaged with or followed the work of Scottish Parliament committees before?

Our Comment

Yes.

Q9. How have you engaged with the work of Scottish Parliament committees? (tick as many as apply)

Our Comment

- I have followed some committee work in an area of interest to me, for instance by watching news reports or reading news articles or social media posts. ✓
- I like to stay up to date with what multiple committees are doing. ✓
- I have watched a committee meeting, either online or in person. ✓
- I have read one or more committee reports. ✓
- I have responded to one or more committee calls for views or surveys. ✓
- I have written to one or more committees. ✓
- I have met members of a committee at an engagement event or visit. ✓

- I have taken part in a participation session with a committee, such as a workshop, lived experience panel or people's panel.
- I have given evidence to a committee in a formal meeting on one occasion. ✓
- I have given evidence or engaged with one or more committees' multiple times. ✓
- I have followed up to see how the Scottish Government has responded to committee work that I have followed or taken part in. ✓

[Page 5 – the work of committees](#)

The work of committees is often referred to as scrutiny. This means that committees are looking at things like:

- Plans for how things are done (policies and strategies).
- How well they are done.
- Whether those things are what the public and organisations have asked for.
- Whether things are done fairly (equalities).
- Whether public money is being used effectively.

To do this, committees do carry out several types of work.

Q10. Which do you think is the most important thing for committees to spend their time on? (choose top 3, in order)

[Our Comment](#)

- Investigating current or topical issues.
- Examining proposed laws presented by the Scottish Government. **1**
- Examining proposed laws presented by non-Government members (private members bills, such as the Period Products (Scotland) Bill). **2**
- Examining the Scottish Government's proposed spending plans (the Budget).
- Examining the work of public bodies and commissioners.
- Reviewing existing laws and how well they work. **3**
- Examining petitions made by the public.

Q11. If you have engaged with or followed committee work before, would you like to tell us more about your experience?

[Our Comment](#)

The Society has been involved in committee work since the establishment of the Scottish Parliament. It has been a positive experience overall and has continuously improved over the last 25 years.

Q12. Can you highlight any pieces of committee scrutiny or work which have stood out to you as effective scrutiny and can you briefly say why it was effective?

[Our Comment](#)

The scrutiny by the Covid 19 Committee was particularly effective in relation to the Coronavirus (Discretionary Compensation for Self-Isolation (Scotland) Bill.

Before the COVID-19 pandemic, health boards were required to compensate people who they asked to self-isolate due to an infectious disease. This was required by the Public Health etc. (Scotland) Act 2008.

The Coronavirus Act 2020 changed this. The 2020 Act let health boards decide whether people who are self-isolating because of COVID-19 received compensation under the 2008 Act. The relevant provision of the 2020 Act expired in March 2022.

This Bill changed the law so that health boards would still have the option to provide compensation. However, they would not be obliged to do so, to anyone they ask to self-isolate due to COVID-19.

The Bill was introduced to the Scottish Parliament on 15 November 2021.

- Read more about the Bill on the [Scottish Parliament's website](#)
- [We responded](#) to the [COVID-19 Recovery Committee's](#) call for views
- Our Director of Law Reform, Michael Clancy, [gave evidence](#) to the COVID-19 Recovery committee on 2 December 2021
- We **issued a briefing** ahead of Stage 3 proceedings in February 2022.

Section 3 of the bill provided in the case where the regulations would otherwise be subject to the affirmative procedure, that Scottish Ministers, where they consider the regulations need to be made urgently, to make emergency regulations – in which case, regulations can be made, and become effective immediately, before being approved by Parliament. These emergency regulations would cease to have effect unless they are approved by Parliament within 28 days. Scottish Ministers are also required a statement of their reasons for making the regulations. We suggested it should be made clear that the statement of

reasons should also explain why it is necessary to make the regulations urgently before they were approved by the Parliament.

The Committee's Stage 1 report followed up on this suggestion and made a recommendation in its Stage 1 Report: "in the interests of parliamentary scrutiny, when making emergency regulations, the Committee believes that the statement of reasons should also explain why it is necessary to make the regulations urgently and recommends the Scottish Government considers this in advance of Stage 2.": [Stage 1 Report on The Coronavirus \(Discretionary Compensation for Self-isolation\) \(Scotland\) Bill | Scottish Parliament](#) .

This point was accepted by the Government and at Stage 2 an amendment was made to the bill to meet the Committee's (and the Society's) concerns: [Official Report](#) .

Q13. Can you describe any pieces of committee work which have been less effective or have not achieved what you expected and briefly explain why?

[Our Comment](#)

The situations in which committee scrutiny tends to be ineffective are likely to be where committee proceedings become unduly partisan or when the committee does not have sufficient time for scrutiny. The fact that the Scottish Parliament is unicameral means that the committee structure bears the bulk of the scrutiny of legislation at Stage 1 when issues of principle are considered and particularly at Stage 2 when the legislation is scrutinised in detail on a section-by-section basis. It is therefore vital that committees considering Bills have sufficient time for this.

Another category of consideration where Committee scrutiny may be impacted is that of matters of controversy for example the Committee on the Scottish Government Handling of Harassment Complaints: The Committee stated in its Report at paragraph 31: "The Committee's ability to scrutinise has also been significantly impacted by delays in the provision of information. We set out firstly the difficulties in obtaining information from the Scottish Government and, secondly, difficulties relating to the former First Minister's evidence. These difficulties cannot be overstated as they have seriously hindered our ability to fully scrutinise the work of the Scottish Government, which is at the heart of our remit.": [SGHHC2021R1.pdf](#).

Changes to Committee members can impact on the functioning of a Committee. The Parliamentary Guidance on Committees anticipates that: "the most common reason for a change of convener (or deputy convener) is as part of a party reshuffle – for example, if the convener is a member of a Scottish Government party and is appointed a minister, or is a member of an opposition party and is moved to a new shadow portfolio.":(paragraph 2.46 [Guidance on Committees](#)).

For example, during this session the Convener of the Equalities Human Rights and Civil Justice Committee was appointed to a role as the Scottish Minister for Culture, Europe and International Development. This appointment meant that the convener's experience was lost to the Committee (and of course gained by the Scottish Government). The problem is that there is no forward or succession planning in such instances. The Committee was fortunate that the replacement Convener had been a member of the Committee for more than two years and knew the Committee's agenda. There is no guarantee that on another occasion the outcome would be as efficient. Recognition of the role of the Deputy Convener would ensure that future changes in Committee personnel would not hinder the Committee in its scrutiny role.

Q14. If there's anything else you'd like to say about your experience of committee scrutiny please do so here.

[Our Comment](#)

We have no further comment to make.

For further information, please contact:

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