

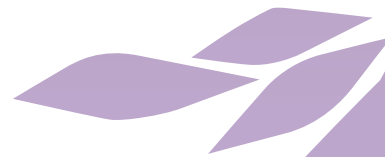


The Scottish Parliament
Pàrlamaid na h-Alba

Published 14 March 2017
SP Paper 106
2nd Report, 2017 (Session 5)

Standards, Procedures and Public Appointments Committee Comataidh Inbhean

Acting Conveners - Standing Order rule changes



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Consideration by the Committee	2
Proposed rule changes	3
Recommendation	4
Annexe A: Standing Order rule changes	5
Annexe B: Letter from the Presiding Officer	8

Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/standards-committee.aspx>



SPPA.Committee@parliament.scot



0131 348 6924

Committee Membership



Convener
Clare Adamson
Scottish National Party



Deputy Convener
Patrick Harvie
Scottish Green Party



Tom Arthur
Scottish National Party



Clare Haughey
Scottish National Party



Daniel Johnson
Scottish Labour



John Scott
Scottish Conservative
and Unionist Party



Alexander Stewart
Scottish Conservative
and Unionist Party

Introduction

1. On 30 January 2017 the Committee received a letter from the Presiding Officer, on behalf of the Parliamentary Bureau. The letter invited the Committee to consider revising Standing Orders to address the situation where a committee convener is absent for an extended period of parental leave. In particular, the Bureau suggested that an Acting Convener could be appointed during these circumstances. The letter is attached at Annexe B.
2. In this report, the Committee considers this suggestion and proposes some revisions to Standing Orders.

Consideration by the Committee

3. The current rules allow the Deputy Convener to act in place of the Convener during a period of parental leave. However this could be considered to fail to respect the Parliament's decision in relation to the political party from which the Convener should be drawn. The alternative is for the Convener to resign to allow a new Convener to be appointed. However, this approach might be seen as disadvantaging a Convener who is taking parental leave.
4. The Committee considered the approach suggested by the Parliamentary Bureau, which would be to revise the rules to make provision to allow for the Committee to appoint an 'Acting Convener' on a temporary basis to cover the role during the Convener's absence.
5. Under this procedure, a Member from the same party as the Convener would be appointed to the Committee on a temporary basis to cover the period of absence. The Committee would then be invited to choose an Acting Convener from the eligible Members which would include the Member appointed on a temporary basis. The Committee's decision on the choice of Acting Convener would have to be in accordance with the Parliament's decision in relation to the party affiliation of the Convener. The Acting Convener's tenure would come to an end when the Convener returned.
6. The Committee was supportive of the proposal to update the rules in this way. The Committee believes this approach would ensure that Members who become parents are able to retain their position as Convener while taking a period of parental leave. It would also respect the Parliament's decision in relation to the party affiliation of the Convener.

Proposed rule changes

7. Some proposed rule changes to give effect to this procedure are attached at Annexe A.
8. The rules have been drafted in such a way that the number of Members participating on the committee (and the political balance) will remain unchanged throughout the process of appointing an Acting Convener. The temporary Member of the committee will only be permitted to take on this role when the Convener is no longer participating in committee business. Similarly, the rules will prevent the Convener and an Acting Convener from participating in committee business at the same time.
9. The rules would apply where a Convener is “absent from proceedings of the committee for an extended period of maternity leave, paternity leave, parental leave, adoption leave or shared parental leave”. This reflects the suggestion made in the letter from the Presiding Officer. The option remains for the Parliament to decide to extend this list of reasons in the future if this was felt to be appropriate.
10. The term “extended period” has been used because for short term absences it may be preferable for the Deputy Convener to act as Convener rather than invoking the more elaborate Acting Convener procedure. Using the term “extended period” also avoids the need to specify a particular time period in the rules. This should provide some flexibility to take account of the varying possible length of absences. However the intended length of the absence would be set out in the motion of the Parliamentary Bureau and that period may subsequently be varied by the Parliament, on a motion of the Bureau if needs be for flexibility.
11. The Committee notes that the Guidance on Committees and the Guidance on Conveners is available online and provides information about current working practices within Scottish Parliament committees. The Committee recommends that, if the Parliament agrees to introduce Acting Conveners, this guidance should be updated to cover this new role and the relationship between Acting Conveners and Conveners, to ensure the new arrangements work effectively.

Recommendation

12. The Committee recommends to the Parliament the Standing Order rule changes at Annexe A of this report.

Annexe A: Standing Order rule changes

ACTING CONVENERS

Rule 6.3 Membership of committees

In Rule 6.3.5(ba), after “Rule 6.7.2;” insert-

“(bb) that member is a temporary committee member appointed under Rule 12.1A.2(a) and that member ceases to be a member of that committee by virtue of Rule 12.1A.8(c);”.

Points in relation to drafting

- This change makes an express exception to the general rule that a committee member shall serve as a member for the duration of that committee, to provide beyond doubt that temporary committee members appointed under the new acting convener rule are indeed temporary and cease to be a committee member in line with the new rule.

Rule 6A.1 Members of the Conveners Group

In Rule 6A.1.1, after “convener” insert “or, as the case may be, acting convener appointed under Rule 12.1A”.

Points in relation to drafting

- Purpose of this amendment is to ensure that acting conveners can be a member of the Conveners Group when covering the convener role on a temporary basis.

Rule 12.1 Conveners of committees

After Rule 12.1 insert –

“Rule 12.1A Acting conveners

1. This Rule applies where a convener of a committee is, or is likely to be, absent from proceedings of the committee for an extended period of maternity leave, paternity leave, parental leave, adoption leave or shared parental leave.

2. The Parliament may, on a motion of the Parliamentary Bureau-

(a) appoint a temporary committee member; and

(b) decide that an acting convener shall be chosen on a temporary basis for that committee,

for a period of time to be specified in the motion.

3. In proposing a member to be a temporary committee member, the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament.

4. Where the Parliament makes a decision under paragraph 2(b), the committee shall choose another member of the committee (who may be the temporary committee member

appointed under paragraph 2(a) but may not be a committee substitute) to be the acting convener.

5. When choosing an acting convener the committee shall do so in accordance with the decision of the Parliament under Rule 12.1.2 in relation to the choice of convener. If it is not possible for the committee to choose an acting convener in accordance with that decision, the Parliament shall, on a motion of the Parliamentary Bureau, make a further decision under Rule 12.1.2 in relation to the committee, and the choice of an acting convener in accordance with paragraph 4 shall proceed accordingly.

6. The period of time specified in the motion under paragraph 2–

(a) shall, as far as possible, correspond to the period of time for which the convener is likely to be absent; and

(b) may subsequently be varied by Parliament on a motion of the Parliamentary Bureau.

7. During the period of time specified in the motion under paragraph 2–

(a) the acting convener shall have all the functions of a convener under these Rules for the purposes of conducting the business of the committee;

(b) the convener shall continue to hold office and be a committee member;

(c) the convener may continue to receive committee papers;

(d) the convener shall not participate in committee meetings or any other business of the committee or arrange for a committee substitute under Rule 12.2A to participate in their place;

(e) references in Rule 12.1.12 to the convener shall include references to the acting convener; and

(f) the temporary committee member appointed under paragraph 2(a) shall–

(i) have all the functions of a committee member, including the right to attend and participate in committee meetings (or parts of meetings) held in private and the right to vote in any division; and

(ii) be regarded as a committee member for the purposes of these Rules.

8. At the end of the period of time specified in the motion under paragraph 2–

(a) the acting convener shall cease to hold office;

(b) the convener shall resume office again and the restrictions described in paragraph 7(d) shall no longer apply; and

(c) the temporary committee member appointed under paragraph 2(a) shall cease to be a committee member.

Rule 12.2A Participation by substitutes

In Rule 12.2A.5, after “convener” insert “acting convener,”.

Points in relation to drafting

- The purpose of this amendment is to ensure that a committee substitute shall not have any of the functions of an acting convener if they participate in place of a committee member who holds that office.

Rule 12.5 Sub-committees

In Rule 12.5.8, after “12.1.9 to 12.1.19,” insert “12.1A”.

Points in relation to drafting

- The purpose of this amendment is to ensure that the new rule on acting conveners applies to sub-committees as it applies in relation to committees with such modifications as are appropriate.

Annexe B: Letter from the Presiding Officer

Dear Clare

At its meeting on 24 January, the Parliamentary Bureau agreed to write to the Standards, Procedures and Public Appointments Committee to invite you to consider a revision to Standing Orders regarding arrangements to cover the role of Convener of a committee during an extended period of parental leave.

If the Convener is absent for an extended period, the options available would be for the Deputy Convener to act in place of the Convener or for the Convener to resign to allow for a new Convener to be appointed.

The rules therefore do not provide for a Convener to retain their position during the period of absence while allowing the Parliament's decision in relation to which party the Convener would be a member of to be respected.

I think you will agree that there would be benefit in considering steps to address this point.

A possible approach considered by the Bureau would be to revise the rules to make provision to allow for the Committee to appoint an "Acting Convener" on a temporary basis to cover the role during the Convener's absence.

Under this procedure, a Member from the same party as the Convener would be appointed to the Committee on a temporary basis to cover the period of absence. The Committee would then be invited to choose an acting Convener from the eligible Members which would include the Member appointed on a temporary basis. The acting Convener's tenure would come to an end when the Convener returned.

This approach would ensure that Conveners are not disadvantaged by taking a period of parental leave.

Similarly, it would bring the Parliament's rules into line with practice in different spheres, including the approach taken recently by the Scottish Government whereby, when a Minister was on maternity leave, a temporary Minister was appointed in the Minister's place during her absence.

I would be very grateful if your Committee could give consideration to this request.

Yours sincerely

Rt Hon Ken Macintosh MSP

Presiding Officer

30 January 2017

