

POWER Inquiry Witness Session – Glasgow

**Witness Session
10am-4pm, 28 January 2005**

**Centre for Contemporary Arts
350 Sauchiehall Street, Glasgow, G2 3JD**

Constitutional Reform

Witnesses:

Peter Kelly – Director, Poverty Alliance

Joyce McMillan – Convenor, Scottish Civic Forum

Canon Kenyon Wright – Chair of Trust, People and Parliament

Abbreviations

AM	Audience Member [individual names indicated]	
BF	Ben Freeman	Commissioner
BM	Bano Murtuja	Commissioner
EB	Emma B	Commissioner
FM	Ferdinand Mount	Commissioner
HK	Helena Kennedy	Commissioner
PB	Paul Boakye	Commissioner
PC	Phil Carey	Commissioner
JM	Joyce McMillan	Witness
KW	Canon Kenyon Wright	Witness
PK	Peter Kelly	Witness

PD: I wonder if I might begin by asking an unusual question. You set up a Commission like this because you think there's a problem, otherwise we could all just go home. So you always begin thinking about failure but I'd like us if we might, to begin to think about successes because there are two ways of learning, one is through failure and the other is from success. So rather than starting with the melancholy arc of this conversation, let's begin with what you think... I suppose with Peter first... what you think has been the successes of the kind of new parliamentary arrangement and then what you think are the successes of participative democracy beyond that particular parliamentary structure because there may be a tension between the successes of those two.

HK: Peter do you want to come in?

- PK: It's an interesting question and I think you frame it in the right way because very often when we do look at the parliament in Scotland and the new structures, we focus on what hasn't been achieved and what's been difficult to achieve. I think in terms of the successes – looking at the way that the parliament has tried to reach out, they have made some... certainly I think early steps forward in the early days of the parliament, particularly from the perspective of our organisation and the framing and the way that the new social justice strategy was developed. That process was one that I think made people who were involved in it, it gave them confidence that the parliament, that this parliament was going to be different and the structures and the way of operating was going to be new. There was a very reflective consultation process...
- PD: Forgive me, you say 'reach out' which is a great physical metaphor, just tell us what form that reaching out took?
- PK: Certainly for that social justice strategy it meant the parliament, the civil servants within the executive engaging directly, particularly with voluntary organisations that had an interest in some of those issues but more broadly the committee structure in parliament has also made use of visits outside the parliament building itself which I think when that has happened, it could be argued that it hasn't happened enough but when it has happened, it's been endorsed by those who have been able to attend. So I think in that way there's practical ways that the parliament has attempted to reach out, to go beyond the normal ways of operating. I think also in the way that the parliamentary information service has also tried to reach out and again from our own experience, the service has worked with us to engage with disadvantaged communities where possible and again that has also been very productive and those involved in that have benefited and felt closer to the parliament. So those are a couple of examples of...
- PD: And your evidence for them feeling closer is what?
- PK: Is the evaluation that we would do of meetings like that. I mean I think a more significant experience for us was in the Social Justice Committee, which did engage directly with members of disadvantaged communities: agendas for full meetings were drawn up in partnership with community organisations and that was a very positive step forward. What we haven't seen is that progress into the new parliament.
- HK: Ferdy, would you like to...?
- FM: Yes, to go on with that, could you say a little bit about the parliamentary information service because down South we don't have a... I mean there's a parliamentary disinformation service in the sense that parliament is very closed off and it's quite difficult to find out about what's going on through the Hansard, could you explain a bit about how that works?
- PK: Our main engagement with the parliamentary service has been with the library, the partnership library network, we have ran consultation meetings, meetings to provide information to largely community organisations but they are open meetings and they will send staff along who'll explain how the parliament works,

what powers the parliament has, how to lobby the parliament, but more importantly how to use the petitions process within the parliament. So they provide very direct information but I think again it's not perhaps as well known as it should be and it could be used an awful lot more. But this is one of the issues I think about the parliament. For people, if you like on the inside, who are well networked, who are members of organisations, who have links into the parliament in a variety of ways, through official means or through MSPs, they I think will often report that parliament has been accessible, is open to hearing your views, but I think the difficulty is reaching beyond that and I'm sure that's an issue we'll come onto in terms of voter turn-out - it's reaching beyond those who are already well networked.

FM: So how would an ordinary person who isn't part of any of these organisations know about the partnership library and things like that? Would they be sent circulars or e-mails or...?

PK: It would require some initiative on their own part to find out about it, as is often the case. But when people are involved in other groups or voluntary organisations or community groups, there is a possibility that they will be contacted but it does depend on making the best use of the networks that are available and again I would say our experience of the parliament and of the executive is that increasingly they've begun to think how do we reach out to those other groups who aren't in contact and they've made greater use of networks like the Poverty Alliance, like Scottish Civic Forum to really genuinely engage much more broadly. But I think that issue about how do you engage with individuals, that's a very difficult one for isolated individuals not engaged in any other group or process, that's a very difficult one to tackle.

HK: So for citizens really to access any of this end up having to be part of a group or an organisation?

PK: It's part of our experience but I think it's not the only experience. The Petitions Committee, I think the majority of petitions have come from individuals.

FM: Could you explain a little bit about the Petitions Committee because that has a refreshing ring, which is again unfamiliar to us.

HK: Very unfamiliar.

PK: I don't know if... I feel as though I'm hogging things now.

HK: No we brought you in deliberately first because we thought that you might go quiet in the company of people that we feel are...

[Laughter]

PK: The Petitions Committee, people can launch petitions on a whole variety of issues that they want the parliament to consider. It's a very open process and the committee will consider those petitions and will then decide on future actions, whether the parliament... Some of the petitions have led to full debates within the parliament...

HK: Like what?

PK: I knew you were going to ask me that!

[Laughter]

PK: I don't recall but I'm sure my colleagues will, but I know of at least one case and I can't recall off the top of my head what it was, 2002 possibly.

[Talking across each other]

AM: Skye Bridge, that's right.

HK: On the Skye Bridge? I mean Barbara was just reminding us that the European Union parliament in fact allows individual petition in that kind of way. I mean the idea of that is to let individuals who aren't part of some organisation to get access. So you think it does... it has potential?

PK: It has real potential and I have seen one example...I do almost recall is around environmental standards. There was a petition around the crushing of rapeseed oil or rapeseed, which if I recall correctly, the parliament didn't take it up, it wasn't debated but what happened was because of the planning issues that that petition raised, the executive was then able to say here is an issue that we need to address, that wasn't raised in any other way but through the petitions process they were able to identify something that needed to be changed and that did lead to tougher environmental impact assessments around that particular piece of work.

FM: Is this petitions committee, is it part of the statute establishing the parliament? If so it's in there as part of the settlement. But it sounds from what you say as if it's a little bit potential rather than actual at the moment but could be made much more of...?

JM: I think it is perceived among that section of the public which takes an interest for one reason or another in Scottish public affairs, I think it is actually perceived as a very open process compared with most political processes and it does give individuals the chance to raise issues. They are guaranteed that it will be discussed in an open meeting of the Petitions Committee. So they can go along there with their mates and see what becomes of it, I mean which committee it's sent on to or whatever. The Petitions Committee decides about it and also because personalities always matter, in the first parliament it was chaired by John McKallian who is well known as being a kind of robust and dissenting Labour MSP and that gave it a certain profile because John was a good media performer and all the rest of it. So in that sense it kind of got off to a good start and although you could probably number on the fingers of one and a half hands the kind of specific policy impacts it had or the specific parliamentary debates it has generated, I think the fact that that channel exists is quite psychologically important. The provenance of the committee is quite interesting in that it emerged from the thinking that David Miller and Bernard Crick produced in the early 1990s, it was called something like 'Towards Making the Scottish Parliament a Model of

Democracy', a little booklet which drew on David Miller's experience in the European parliament and said that the Scottish parliament should have a Petitions Committee on that model.

HK: Very interesting. Barbara?

BG: Can I ask the panel. I'm listening and hearing that I feel that you feel, and I may be wrong, that there ought to be more publicity around getting more information out to the electorate about the information service. You were saying that they can only go through a certain direction at the moment. Do you feel that there should be more done, that there hasn't been enough done and if so, how do you feel we ought to go about it?

HK: Peter, we're concentrating on you for the moment.

PK: That's fine. I think the initial reaction is yes, more can be done. I've already mentioned the physical if you like presence of the library service. I think that's really quite important. I think to really engage with communities who aren't engaging with political process in its widest sense, it needs representation. And I know MSPs have also been, many MSPs have also been very good about trying to use those public meetings and trying to use those as areas where people can raise issues in a different way, that is not going to MSPs surgeries, that it's not that particular individual approach. But I think yes more can be done. I think again going back to our own experience of working with them, they were very prepared to look at how they can engage with different groups. I think it may be a question of resources – it is one that we come up against which is again unsurprising but they are very stretched and in terms of the groups that want to talk to them or have them come and talk to them, they are over stretched.

HK: Two issues there that are really important for this Commission, which are innovative ways of letting individuals and people have access and that petitioning one is interesting to us. And the other thing of better information – how do you get that out? Bano, would you like to come in and ask Peter...?

BM: Yes, could I just take you back to the petitioning for just a moment. We've been hearing quite a bit about single issue politics and how that might even undermine participation in general, and I'm wondering how this Petition Committee and what your opinion is about maybe the increases in single issue politics through the petition?

PK: I think you could be onto something there. By the very nature of the petitioning process you are focused on a single issue, it's almost the only way it would work but I think a lot of those petitions come out of much broader general community concerns and it's about identifying the things that are most important to the individual concerned or if it's launched by a community group or a larger organisation it will be something they think can practically change, that's under the power of the parliament to make a difference on. So I think in terms of it having a potentially negative effect on driving single issue politics, I don't think we could really lay that at the door of the Petitions Committee. I think that's something outside of what's going on, that perhaps people don't feel able to

engage broadly across a whole range of issues and that they have to focus on what they think they can change.

- HK: Just as a thread in this. I mean for example in Italy, we're talking about different scales to this – what they can do is for example if enough people in the public want some sort of law reform, if they get enough public support for something, they can actually shift things. They were able to do so for example in divorce laws. And so we're looking at those possibilities of ways in which the public can actually raise something that seems important to them. Bano, do you want to go on about the community groups?
- BM: I guess I wanted to follow on from what you've just said as well... in your experience what kind of barriers are people themselves facing from access and I'm talking here about the least engaged, the people who aren't necessarily in the networks, who aren't already included?
- PK: One of the key barriers I think is information about knowing how the parliament works and we've already covered that issue to some extent. I think resources and time are crucial issues. If you are a community organisation, some of our experience is that not only very often are you disadvantaged financially, you're disadvantaged in terms of your time – you're also time poor if you like. I think it does take a lot of energy and commitment to try and engage with the parliament, and financial resources also, visiting parliament obviously isn't a cheap or a non-cost thing to do. So I think there's those practical difficulties and there have been attempts to try and address some of those, again moving the committees out would make that more accessible. But I think there's also maybe something more that could be done about providing the resources to allow community organisations, when there are issues being debated in parliament or when committees are looking at issues of interest, to try and inform those groups that this activity is taking place.
- BM: What about if you're not part of a community organisation: young people, those people who don't necessarily have English as a first language, etc?
- PK: I think the problem again there is reaching out to those people. How do we actually do that? And I certainly don't think that parliament has made enough progress in that respect. In terms of translation services and putting information in different languages, I know that they have made progress there and it's something that's changed quite significantly in my experience over the last couple of years. But reaching those individuals and groups for whom there is currently no connection is very difficult.

I think possibly one of the factors is that, again going back to our own experience, people still see the parliament as limited for those community organisations. For those individuals who are interested in tackling poverty, there's a perception that the role of the Scottish parliament in doing that is very, very limited and if you want to make real change, you will look to Westminster. That's not in fact the case but I think that perception leads to a view of the parliament that has been not as powerful, not as useful to engage with.

And I think related to that you mentioned the issue of time and resources. For many people their immediate focus is on their local community and on attempts to engage locally with local authorities, with local councils, with councillors and that's where priorities often lie. I think the parliament's approach, the legislation that's come through in terms of community planning processes in Scotland hold out some possibility of engaging with people where they are, starting with the issues that they're most concerned with. But how we then link those participatory processes and they're in their infancy at the moment but how do we link those into national policy both at Scottish and the UK level. I think this is one thing about the developments in Scotland since '99, it's caused us and when I say 'us', I think a lot of the voluntary sector, to focus down on Scottish parliament and not to then make the connection with what needs to change at Westminster level as well to genuinely engage with people right across the policy spectrum.

HK: Okay. Paul?

PB: I think in business now if you can't reach your customers, then you go bust. So it seems to me to be in your interests to actually reach the people who are least engaged, but I keep hearing this constant talk of resources. How do you find resources to reach the people who are the most vulnerable, who are the people who most need your services?

PK: I think probably there are a few voluntary organisations and they're trying to find resources to do this kind of work and it is always a struggle. But I would say again that certainly the Scottish Executive in relation to... I won't speak for the Civic Forum, but certainly in relation to the Poverty Alliance has shown quite a strong degree of commitment to using organisations like our own to try and engage with those who are out with the usual political processes. Finding those resources is not easy and a very time consuming task and it requires much more political commitment to genuinely engage with people...

PB: Political commitment from where? Are you saying Westminster, are you saying local authorities, from the Scottish parliament...?

PK: I think unfortunately the answer is all of those sources and there should be opportunities to engage with the least advantaged at both Westminster, at the Scottish parliament level and that does require resources. One example would be something called a National Action Plan and Social Inclusion European Policy Process, part of which in drawing up these National Action Plans, governments must engage with all actors, with everyone who has an interest. We've been talking to the government for some time now and seen a shift in government at UK level, we've seen a shift in their understanding about what it takes to engage with those who live in poverty, those who are socially excluded and we still have a long way to go but we're starting to see the beginnings of process set up, the resources behind that are very, very limited but at least we're seeing some shift in understanding about what it takes to engage with the most disadvantaged which I know you'll go into this afternoon.

HK: Just as a final question to you Peter before we bring Joyce in: the evidence that we're receiving is that while we're seeing a reduction in voting, one of the areas where the reduction is steepest is amongst those who perhaps might have more

interest in making sure that there were changes, that their lives might actually be affected by having people giving voice to their concerns because they're living on very little, because there are few job opportunities and so on. The poorest vote least – is that your experience?

PK: I think it's the experience across Scotland. I think there's no doubt about that and I think that does raise questions about the impact of the new participatory mechanisms that are being developed. I think our common experience, and I'm sure the others on the panel would reflect this, is that despite the changes that we can see in the... if you like in the process in the institutions... What is reported to us from many community organisations and reported by those organisations directly to the political representatives is that they still see very little change; that there's a perception of no real influence; there's an experience of consultation with no change in the outcomes of the policies that are being consulted on. I think we still have some way to go on that and I think those are issues that are live to the parliament and to the executive and ones that they are trying to address.

But I think the name of the Inquiry is a useful one because it is about power, it is about the parliament devolving power genuinely. If they have a genuine desire to see people have more influence over the decisions that affect their lives, that does require more power to be devolved. They have attempted, they have started some of that with community planning processes, but that in itself also requires power to be devolved from the next tier of government, from local authorities and that is a very painful and difficult process sometimes for those with the power to go through. So they need to be encouraged...

FM: Sorry, if I can just interrupt, if I can get this right. I think you were saying to me last night that the community planning is a little bit of a sort of... not a misnomer exactly but a slightly exaggerated description of what happens, it's a community participation in the planning process but the actual decisions remain traditionally with the local authority. So although it's better than not being consulted, it still isn't a decisive shift of power?

PK: I think that's probably true. The emergence of community planning, I think, particularly for disadvantaged communities has in some ways been a mixed bag. In some ways we've seen a consolidation of decision-making power within local authorities and their community planning partners and the opportunities for direct engagement reduced because of the changing natures of partnerships. Whereas the social inclusion partnerships for all their failings, there were real structures there that involved community activists in the operation and decision-making processes, albeit limited and so on but community planning has somehow undercut some of that. So, there's a real challenge for community planning processes to genuinely engage with the citizens of that area, whether living in disadvantaged areas or not.

HK: Thank you. Joyce, I'm going to bring you in here for a minute...

BF: That's interesting. You were saying that a major failing of this Parliament is the ability to make real change and the real... one of the main problems with that is the interaction between the local government and the Scottish government? Is that true? Because if you're talking about real ability to get things done, then

you're left thinking... and that goes up to the national government as well. But that's quite interesting to understand because if you're saying that people are less engaged with political process because they don't believe anything will happen, then you need to understand what it is that is stopping that from happening and is that really the vital link that you're homing in on?

PK: I think the point I was trying to make is that the perception has changed. We could look at other studies or other information that would say that real change is taking place or some change is taking place. But I think you're on to an important issue: if there's no perception, if people don't feel that their lives are being materially changed, that communities are improving as a result of policies that the executive or the local authorities have developed, then that's going to be a break on political engagement, there is no doubt about that.

HK: So here it is about... we're really getting in on. People feeling that even if they're asked their opinion, which they often aren't, but even if they are consulted with, that actually their voice doesn't count. It's again a theme that comes up often in reading the evidence and in taking evidence and looking at research, that people will have a view – and the war is often cited – and they will get out there and do what is expected of democracies but somehow it doesn't count for anything.

Joyce, when parliament, the Scottish parliament was created, it was going to be accessible, open, responsive: that was its founding principle. So the sense of your voice actually not counting...?

JM: Yes, but it's important to remember what the founding principles were. They were: power sharing, accessibility, accountability and equality, which is quite a tall order. I think the parliament in principle has really tried to live up to at least some of those principles. But to come to this question we're talking about now, is that people sense the lack of traction on the system, that they get consulted and consulted and consulted and some of them bother to take part in that process but somehow it doesn't make any difference.

That is not a Scottish problem, I mean that's a structural problem. It's to do with the way democracy functions in affluent western societies I think. I suppose what's interesting about the Scottish parliament is that as a parliament born on the cusp of the twenty-first century it has its own agenda about trying to tackle those problems.

Now it's a mixed agenda, some of it's been more successful than others. I think one could safely say that and there is... I mean right at the heart of it, there is this head-to-head collision between kind of new concepts of participation and what the consultative development in policy... of using widespread public consultation actually to properly define problems before we even begin to draft the legislation which is one of the things that Kenyon and I historically have been very interested in and have pushed for, although it's certainly an uphill struggle. But you've got all of that going on. Some thinking about limited resources, but some resources for it, and in the context of the Scottish parliament, a little bit of new thinking about it and kind of thinking about international examples and practice in Nordic countries, and so on.

But at the same time we're head to head with the traditional method of doing politics which is that parties devise their own policies and get brownie points from the media and from the electorate in general by being quite macho about pushing them through. When people talk about political leadership, they talk about figures like Margaret Thatcher who were anything but consensual really and consultative – they had a good eye for what they thought was a good idea, they implemented it on the basis there was a bare majority on the Westminster system, a minority of votes in a way. That is widely admired really within our political system – and widely admired by a lot of voters. It's like we didn't know we wanted that but once she was all macho about doing it, we quite liked it.

So I think that there is a real conflict of cultures there. I mean if you ask people – yes or no, do you want to be consulted? They all say 'yes'. But if you ask them – yes or no, do you want strong leadership? Most of them would say 'yes'. And in the context of political parties which now have very few members and are themselves not a very strong consultative base for the devising of policy, that's a real problem. I mean where are those policies that are in party manifestos coming from? What relationships do they bear to some kind of wider process of civic participation and consultation? In the absence of addressing that, it's actually quite difficult to get much further I think because the experience of people who have been taking part in the consultation process throughout the Scottish parliament, some of them have been very good but the best ones are often in areas which have a lot of direct party controversy, areas where you can actually get a wide cross-party consensus and wherever party politics comes into play.

I mean there was a brilliant example this week on the whole sexual health agenda, which was plastered across the Scottish papers this morning, where an exceptionally well constructed working group which had representatives from every conceivable strand of opinion, backed by the processes of discussion through bodies like the Civic Form which were financed by the Executive to be as inclusive as possible, to take the views of very strong religious organisations, every strand of opinion. That produced what is by any kind of objective measure a very moderate and a very sensible strategy of teaching of sexual health in schools, where Scotland has a massive problem with sexual health, some of the worst statistics in Europe. And that policy has been to some extent overturned by a bit of grandstanding in the media from Cardinal O'Brien, leader of the Catholic church in Scotland. And you know people are furious. People who took part in that consultative process are incensed. And that's a matter of a clash between the traditional way of doing politics in the Labour party in Scotland and new consultative methods which in this case have actually produced quite a good and solid policy.

FM: That's extremely interesting and I think one of the things it shows is the tremendous vigour of Scottish politics now. I mean the clash of these various elements and certainly coming from the South you get this very strong feeling of the Scottish press being now very Scottish-centred on Scottish affairs and Scottish parliament and so on. So to go back to Philip's original question about the successes: I mean now that would seem to me to be one of the successes of the whole thing, that it has created a Scottish political arena or sort of revived it in a very impressive way. And yet we come to the central question which has really brought us all here in the first place – which is the decline in turnout and that

decline applying as much to the Scottish parliament as it does to the UK parliament, down from just under 60% the first time round to just under 50% the second time round. What's your explanations, your reading of that?

JM: Well there's some very interesting discussion around last November's American election about why the participation in that went up after a long period of very serious decline in participation in the presidential elections in the United States. I think John Curtice has reported three factors and I can't remember what they all are but one of the most important ones is that there should be a clear difference, that there should be more of a two horse race and that there should be a very clear difference between the two candidates or a perceived clear difference, at any rate, and that people should feel that there's a lot at stake: and for some reason all of these were fulfilled in this American presidential election.

There's a kind of structural problem in that the Scottish system could produce that kind of conflict but only I think under slightly more crisis-like conditions than we have at the moment. If there was for instance a massive difference of opinion or a difference of party between the Westminster government and the Holyrood parliament, then there would be much more at stake so it would rise very much and I think you would probably see a rise in participation if the Scottish elections took place at a time when that kind of conflict was particularly sharp, because people want to either affirm their support for the Union despite the difficulties or to assert that this was the moment to kind of go for another Nationalist push. So that kind of thing influences the context.

At the moment because there's a Labour government in Westminster and a Labour-Liberal government in Holyrood and a proportional representation system which makes radical change less likely anyway, I think there's a feeling that there is not so much at stake in a Scottish election as there might be in a Westminster election where you can get these sudden swings and changes for government. I think that's why the participation would be lower at the moment in Scottish elections, but I think this whole issue of electoral participation is a really profound one. I do think for instance that it would be even more if we didn't have proportional representation because it gives people two pops at voting and people do like the chance to vote Green on the List and Labour on the Constituency, or whatever. And it really has produced more of a rainbow parliament with a wider range of representation.

There was a thrilling culture clash on the inauguration of the second Scottish parliament when one of the SSP MSPs arrived in a kind of disco outfit, a pair of jeans and some flimsy top and gave her oath to the Queen with 'My oath is to the people' written on her hand like that [*demonstrates MSP's oath with hand*] and all these views in the press thunderingly saying what a disgrace for the dignity of the Scottish parliament, it will never survive and all the rest of it... And of course there was an entire generation of people under 30 for whom that is the only interesting thing that ever happened [*laughter*]. So that kind of thing is good and the wider spread of parties I think definitely widens the debate and makes people feel more engaged but whether... it's only under certain circumstances as I say that that would have a radical impact on the number of people participating in elections and those circumstances have not been yet... and in the absence of that we face the same structural problems as everyone else, people shrugging,

people saying that they're all in it for themselves, what difference is it going to make, what's it got to do with me.

PB: Is it you're saying that there's a culture of contentment that is affecting the turnout or are people actually showing their dissatisfaction with politics and politicians?

JM: More of the latter, more of the latter. It's maybe a kind of funny combination of both isn't it really? On the one hand I think it's bad enough if forces are used to drive them out but at the same time they are also pretty apathetic and pretty disgusted and they have something I observed right at the beginning, a kind of hostility and feeling that they're all just in it for themselves and because of course in it's early years the Scottish parliament had to spend time discussing how much it would pay itself and how much its expenses would be and all the rest of it and also the building of course, there's been this tremendous kind of petty focus on salaries, expenses. I mean actually the Scottish parliament has a very small expenses rating compared with Westminster and you wouldn't get away with some of the things that Westminster MPs get away with but all of that, given the average income in Scotland is still something like between £20-25,000 a year, so anybody who's paid £50,000 plus expenses is an object of envy and disgust to begin with. And then when they are ordinary MSPs who everybody says could never have got such a good job in any other way, more petty disgust and a kind of internalised snobbery of the Scots as well.

HK: And we've heard the criticism that it makes them kind of not very keen to rock the boat. Barbara, is there anything you'd like to pull out around PR or anything?

BG: Well I'm thinking about proportional representation. Do you really think it's changed the nature of political participation and is it for the better? As a head of a women's organisation I'm thinking particularly for women but also for people of different backgrounds. And it's a two part question... do you feel it has changed the way political parties campaign here in Scotland?

JM: I don't think it's really changed the way political parties campaign, no. I think political parties, frankly looking at it from the outside because I'm not in one, they seem to me a bit moribund. I think it would take a hell of a lot to make them change the way they do anything at the moment because their mechanisms are not kind of lively enough to generate or to change. The membership of the Scottish Labour party is now something like 0.5% of the population and yet from that membership a huge sweep of Scottish public life is still staffed and controlled...

HK: Also what's worrying about that is it's from that very tiny group that the representatives come.

JM: Yes. You can always say there are other parties as well, but none of them have a very big membership.

The other bits of the question about the impact of proportional representation, I don't know if it's made a difference to participation. I think that would be a kind of cultural shift over some years. I think observing the presence of a large group, seven Green MSPs in the parliament, probably does in the long-term make

people feel that they've got more of a stake. If they've got an environmental issue which they're particularly concerned about, they've got more of a chance of getting it heard and culturally seeing that slightly more diverse parliament probably will affect participation to some extent. But I think it's main impact is on the range of political debate, because that wider range of parties is represented in the parliament. There is a slightly more open feeling about the debate and because they tend to be characters that people... either the independent MSPs or people in the Green and SSP parties, they do get quite a bit of media coverage and there's a slightly more fresh air feeling about the debate than I think you would get...

HK: Characters, we want more characters!

[Laughter]

JM: Yes, a few more Rosie Kane's and that does liven things up a bit. So I think on the whole that's positive but you do get a lot of... I mean the traditional political establishments don't like it and they're still plotting and scheming to change the electoral system in ways that would make the election of that parliament less likely. And they might well get away with it because the details of electoral systems are notoriously arcane and I don't see people marching up and down Sauchiehall Street about it ...

BG: They think it's going to be a very slow process.

JM: Yes.

HK: Women?

JM: Well I do think that's one area where the Scottish parliament can really take some pride. The election of a large number of women is only marginally to do with... well it is to do with the fact that it's a proportional representation system but it would not have happened without some tremendous lobbying by the women in the Labour party in Scotland. I mean they really shifted the whole game and in the first Scottish parliament election they had a system, God knows how close to the wind it was in terms of discrimination legislation, but they had a system called 'zipping and twinning' where the constituencies of equal winnability were twinned and one had a male candidate, one had a female and the list for the Labour party was zipped which meant that it went female, male, female, male, like that...and the result was a parliament which has I think the third highest female representation of any parliament in Europe. And now it's even higher because of the success of the SSP in the last elections which had a list which apart from Tommy Sheridan was almost entirely female. And there's now I think just under 40%. It's a very high female representation and I think that that's not a trivial matter, that the parliament when you look at it on the screen, which is how most people see it, looks much more like a normal work place than Westminster. It hasn't got that sort of camp atmosphere of men flirting with each other...

[Laughter]

- JM: ... and seriously speaking I think women do identify with it much more and I think among women in Scotland who are in professional jobs or support jobs and in the public services and all the rest of it, there is a feeling that there are voices in there that come from where they're coming from and know what they're talking about.
- HK: Ethnic minorities?
- JM: Ethnic minorities: a complete failure for the Scottish political system up to now. All of the parties keep saying... and Angela Wrapson from Hansard's here and has run a seminar on this recently... all the parties keep saying they're very keen to get ethnic minority representatives to win the normal seats, but none of them seem to be really effective at doing it. There's a huge amount of lip service and so far in terms of actually delivering seats to ethnic minority representatives, there's been very little action. If you look at the local authority level you can see a generation of ethnic minority representatives beginning to come up who should have a good claim on Scottish parliament seats over the next decade, but which parties will have the bottle to really go for that and try and give us a parliament that reflects more than Scotland is a big question.
- PB: So what is the ultimate problem there? Is it a problem of society doesn't really see this or there aren't enough qualified ethnic minorities to take these positions? What is the issue?
- JM: I think it's a problem of being unwilling to take affirmative action in the political parties, they've kind of done it for women but there's a hesitation to do in a very strong way for ethnic minorities and I think the reason for that is partly just sheer inexperience in dealing with ethnic minorities. I mean the ethnic minority population in Scotland is very small by comparison with England, you're talking about maybe 1-2% of the total population and so in strict statistical terms one or two ethnic minority representatives in the Scottish parliament would be about right – although I'd rather see more from the point of view of the energy and the generation thing and all the rest of that, and bringing to the parliament. But in that sense people are still real kind of learners in Scotland when it comes to them getting a voice and having politics which really takes account of cultural diversity. It's still something with which we struggle and indeed we've not resolved our big cultural diversity issue from the last century entirely [*laughs*] which is the one to do with Sectarianism and the Catholic/Protestant divide, so we've not been great with that.
- PB: So it would be unlikely to see an ethnic minority candidate who was not there to represent his or her ethnicity, just there as a member of parliament?
- JM: The only way that I think there will be one will be if they come through the normal party structure and are there to represent one of the parties. But I expect that sometime in the next decade there will be successful ethnic minority candidates but it was just very bad stigma that that wasn't a high priority for the parties right at the beginning of the new parliament. It was a real failure on their part and it wasn't that they weren't aware of it. I mean the Scottish Civic Forum for instance round its tables has a high proportional representation of ethnic minority people and all the civic movement was very strongly aware of that issue and there was

strong sort of movements among ethnic minority groups themselves to be involved in the process and the political parties just failed to pick that up.

HK: Phil?

PD: This is probably not to as much Joyce but to Kenyon or to Peter, just to anybody. I started by talking about success, I now want to let a whiff of scepticism into this, because I want to ask you a question really about all these new consultative processes. Because it was one of the charming naiveties of some supporters in the Scottish parliament that just by changing the nationality of the professional class who are politicians, you would change the feelings of people towards them.

But as I listen to you, what I begin to feel is there's also a new professionalised lobbyist class and you're part of it – in the nicest possible way of course because you're very nice people, but you're part of it as we are in our different way part of it. And that lobbyist grouping is a kind of professionalised part of the process, but for whole sections of the population that we're out to think about, you're no more representative of them than anywhere else. So when Joyce says in that combative way, but actually a historically inaccurate way too, that Thatcher was just a strong leader... Thatcher's genius and I loathed almost everything she did, was absolutely to appeal over the heads of the professional class to an ideal of the people. That doesn't mean she spoke to those people but she was in a kind of complex dialogue with those and I suppose what I'm asking is really the degree to which these new consultative processes are just a way of co-opting another group of quasi professionals into the system which disenfranchises the same groups of people who were earlier disenfranchised?

JM: Well undoubtedly that is part of what's happened. I mean that's almost inevitable, when you create an institution, you will create a satellite of people who service that institution. I'm not a professional lobbyist as it happens, I'm a professional theatre critic and journalist *[laughs]* and I must say I'm glad that I'm not because I wouldn't like the feeling of having a kind of vested interest in the institutions that I'm trying to monitor and criticise, a personal and financial...

PD: You will understand that is not a question of your intentionality...

JM: No, no.

PD: This is not to....

JM: No, but what you're saying is true and everyone connected with the Scottish parliament I think is aware of that as a danger – that what you create is just a new lobbyist... yes you do incorporate more of the usual suspects into a more intense consultation process – and surveys have shown that the usual suspects of the Scottish consultoriat if you like, like the Scottish parliament very much, they love it. That is not the problem, the problem is two fold, 1) that there are the excluded people that you've been talking to Peter about who don't participate for reasons of poverty, demoralisation, all the rest of it but there's something else...

PD: One of the other things they can do because they see the same people who are that professional class and they're still excluded from those professional people

and it's a new group of people but they're still professionalised people who are speaking on their behalf.

JM: Yes but I just add though that as well as that issue which is a big issue, the other issue is like the disengaged middle class, people who are just too busy driving to the supermarket, haggling to get their kids into whatever school they want them into, all of that stuff of middle-class life. I mean most of the people that you meet from day to day are sort of quite interested in this kind of thing, in the way that any literate person reads the newspapers and all that but they just don't have time, they don't see it as having a sufficient connection with their lives. And I sometimes think that in this discussion too much can inflate the problems of real exclusion for people who have real structural problems of participation to do with their exclusion from society to which a lot of effort is now being addressed, although how effective it is, you can discuss, and the mass of middle-class people who don't get involved because they just feel it's not their hobby, it's not what they do – what they do is get on with their jobs, do what they can with the local school and that's it.

PD: But I assume that the disengaged middle class still vote.

JM: They vote more than the...

[ADAM NODS]

[Talking across each other]

HK: But increasingly more of them are not voting, funnily enough. That group are actually, also, as you were saying, feel like 'I don't think it's worth the hassle...what's the point?' and there's nothing to choose and there is a culture of contentment often amongst those people of feeling it's all going reasonably well and unless they start attacking my tax situation, then I'm not going to get out of bed to do it.

PC: I believe that Scotland's got this good opportunity to try out new things. I mean when you do elections in the Scottish parliament is there any way that you try to get to engage more young people into that process? Are there new ways that you've tried to get young people to...?

JM: Well there are various strands of initiatives to do with involving... I mean there is a youth parliament for instance which meets and has its own structures and also a children's parliament, both of those organisations have had debates in the Chamber of the Parliament and all the rest of it. But I... the Scottish Civic Forum just for resource reasons really hasn't focused on this issue because there are other organisations which do, so I think I'd defer you to other people's knowledge of what's been done in terms of involving young people.

HK: Phil's on a youth parliament in Hastings and what happens is that they were given a piece of money and young people from the community are involved in it for what young people want... for example people who are under the age of 18 can't get in pubs or clubs and possibly about setting up a nightclub or a club for dancing where people under those ages could go and they were given that for

them to decide how money might be used and so on and just to have it serviced by people who knew how to, if you like, make it happen but the decision making and even resources were in the hands of those young people. Is anything like that happening in Scotland?

JM: I haven't any direct knowledge of anything like that.

PK: There was... and again it kind of goes back to your point, I'm trying to pick up on various ones. There was a consultation, I think – surprisingly enough a consultation on community budgeting a couple of years ago. Now I know because we responded to that and we tried to engage with the people who wouldn't normally respond to that kind of thing. And I know that some interesting ideas came out of that consultation process and it's not dissimilar about top-slicing budgets and setting them aside to be used through decision-making processes. I have no idea what happened to that, I have absolutely no idea. I don't know what happened to our consultation response and that has improved, they are much, much better about...

HK: Letting you know the result.

PK: I think one of the things that's come out about consultation over the years and about the difference between consultation and participation and so on, is there must be some kind of feedback. Whether you have made an impact or if your impact was simply that was a nice idea but that's not what we're going to do, if that kind of feedback doesn't come back to people, then that's why disenchantment happens and that's why people disengage from those consultation processes. And I think the point you raised about the consultation processes themselves being closed and being only open to a professional lobbyist class, I think to some extent you're right. I find it a relatively straightforward process to have a meeting with an MSP, to pick up the phone and phone the civil service and in some respects that's a good thing, that's a good thing if some of us... if some ten years ago that was not an option, just you couldn't make an argument for a policy that was somewhat oppositional. But I think if we take that argument too far, I think organisations like ours and the Civic Forum, we have a responsibility ourselves to go beyond our own dues and we would certainly never dream of thinking that we speak on behalf of the poor, there's no question of that.

But by saying... these professional lobbyists, we know what they're going to say, they have this liberal agenda, we saw that with the anti-social behaviour consultation in Scotland where uniformly the responses to that consultation, almost uniformly, were this legislation isn't required, there are different ways of dealing with these problems, of tackling these problems, and it was to a fairly significant extent ignored and I think that's a danger in saying we're going to engage directly with people. And the Executive in that case would hold some consultation meetings and that was a consultation, not the process that had hundreds of responses to it.

HK: And that is an interesting example of the business about leaping straight to the folk to hear what they say and actually coming up with... and you get it particularly round law and order and crime and so on, some things that perhaps

would make us feel rather alarmed. I want to bring Kenyon in because I'm anxious that we get time to talk with our audience. Kenyon rather than taking you through a set lot of questions and I'll draw people in, you've been listening to us today – what's the first thing that's in your head?

KW: The balance between success and failure, the very first question. I mean what has worked and what hasn't worked and the word 'power' defines it. I mean I think the name of this Inquiry is exactly right, because it's all about power. Success, if I were preaching a sermon, which I do frequently *[laughs]*...

HK: Not today!

[Laughter]

KW: ... there are three P's – I would say policy, it's been a success in policies, it's been a success in the place, and it's been a success in procedures to some extent.

Policies we know about – university fees, care for the elderly, the Freedom of Information Act – which is very much better in Scotland than the proposed one, the one being put through in England, and so on... One can go on but the Scottish parliament in policy terms has done many, many things which people don't fully recognise.

Secondly the place. The fact that that building says something, it's open in a way that Westminster is not. I won't go into that, but I think that's part of it.

But mostly procedures: I think the balance between consultation and participation as you were saying is not right, and has not been got right. Consultation is the decision makers having made some kind of decision and saying 'what do you think about it?': it's reactive rather than proactive.

Joyce mentioned the four founding principles of the Scottish parliament, they were proposed by the Consultative Steering Group and unanimously adopted, and they were if I can just remind you again because they're so important I think: *power sharing* which was at the heart of it, *accountability*, but the third one was not just accessibility, the third one was *accessibility and the development of a participative approach to the development of policy*. Now those words to me are crucial. The development of a participative approach to the development of policy and if you'll allow me just one thing more on that, these four principles, the fourth was *equal opportunities*, these four principles of the Scottish parliament actually mentioned three partners in power, sharing power between the executive, parliament and people. Now my case is that there are well-resourced, clear ways in which the first two can prepare policy – through the party system, inadequate though it is – 95 % of policy comes from the executive, 5% maybe comes from the parliament, either through Tommy Sheridan's private members bills or through the committees occasionally using the power they were given to initiate legislation.

HK: Oh really?

RW: Yes, very occasionally, twice I think, those powers have been used but they were given deliberately to the committees in Scottish parliament. So what am I saying? I'm saying that for the executive and the parliament, there are well-resourced, clear ways, civil service help etc, in which they can engage in the formation of policy.

There is absolutely no clear resourced way in which 'the people', whoever they are, can actually engage in the formation of policy. There's reactive ways of consultation, yes I mean we have consultation fatigue. I mean the STUC said to me that before the Scottish parliament came into being, they had maybe 12 consultations a year, now they have 12 a week...

[Laughter]

KW: ... at that level. People in Parliament has tried by the way to extend it beyond just the chattering classes and you know what I mean by that, the organisations that do involve people, ordinary people much more and I'll just end with this little bit... One of the groups, People in Parliament had about 500 groups throughout the country, self-forming groups, ultimately people with a strong emphasis on marginalised ethnic community and so on... and one group of young people, I'll never forget what they said. They've got a whole lot of ideas about how it should be different before the parliament came into being and then they finished by saying this and these are the words I can hear them saying now, they say " We don't really believe all this will make the slightest difference so please prove us wrong". Well, we haven't yet!

PB: Can I ask you a question? I was brought up to believe that education was always a great equaliser. Yesterday we visited a school and spoke to 13 and 14 year old students and there were points where we felt that we couldn't talk about politics. I'd like to ask you, you talk about policy, place and procedure, with the education in schools being a place where certainly the poor, ethnic minorities and others who are least engaged in politics, the children of those people can actually learn something about the procedures that will affect them later in life.

Do you think school is an appropriate place to teach these people about politics, political processes and procedures? I'm not talking about parties, which party to vote for, but actually the procedures that will help prove them wrong?

KW: Oh yes and that's not the only place but it's certainly very, very important. I mean I was in India for many years and I was a great fan of Paulo Freire's programmes and his programme was always to... for example we had a literacy... and this is relevant I think, it may not sound it... we had a literacy programme which was teaching ordinary people in the slum areas of Calcutta to read and write, but in doing it, the text books were about their situation, the situation of the slum, who owned the slum, who were the landlords, how had this happened, so they were learning together. So I would like to see knowledge of how the political process works and can be affected built into the curriculum.

PB: Absolutely.

KW: Not just as a separate subject but somehow running through, I don't fully know what I mean by that *[laughs]*...

PB: And why do you think politicians are afraid of this idea?

KW: I don't know and the other... I suppose because politicians often would want to hold onto power and therefore while they may say sharing power is our primary objective, when it comes actually to anything that challenges or threatens their power, then you get the old Westminster syndrome. I mean we have all lived all our lives with a political system which is top-down and in Scotland the very fact... what began the present constitutional movement which has led to the Scottish parliament was frankly Mrs Thatcher's centralisation of power and misuse of that centralisation to impose powers and an alien ideology on Scotland. And that led us to see, I think, it led at least enough people to see that our problem was not political but constitutional, not who happened to govern us at any particular time but how we were governed and that I think was a rediscovery of something deep in Scottish history.

We haven't time for a history lesson but it is I think crucially important and I hope the Commission will come to terms with this at some point to understand the long-term history of the constitutional understanding in Scotland, which goes right back across to the Declaration of Arbroath in 1320 and so on, but it is relevant because it's very much alive in the present day situation. Just one more point about education, one of the things that we did say in the last conference we had with People in Parliament which was over a year ago, was that although consultation is inadequate and we must move beyond it, consultation could be improved in the short-term by a) much more information, people having much more information, including information about what civil service recommendations are and so on and b) much better feedback so that people actually know what happened to their views, if they were not accepted, why they were not accepted, and so on. So these two would at least improve consultation in the short-term but they don't answer the longer-term need to move beyond it to the real participation in the development of parliament.

PC: Yes, I totally agree with you that I believe that in the school curriculum young people should learn more about the political system and how important voting is and how important politics is to every day life. But in terms of teaching young people about that, I believe that also young people should have a feel or get to know what having power is about and actually giving them experiences, empowering young people to change things in their home towns or home cities.

I'm part of the Youth Parliament and I think yeah it is a great organisation but often the MYPs cover the constituency of two MPs and they cover a lot of national issues and they don't really consult the wider range of their constituency. I mean I went to the school yesterday and it's probably the largest school in the whole UK and they don't have anything, they don't hear about anything that the Youth Parliament does, they don't hear about anything that's going on for young people and I just think in places like Glasgow, the council should be giving money to the young people to empower them, not just as a tokenistic way of saying here have some money and go and consult young people but to say we want you to

get a group that is empowered, that is self-sustaining and we're going to commit to improving the lives of young people. Do you feel that is an important thing?

KW: I think that deserves a monosyllabic answer!

[Laughter]

KW: Yes, of course I feel that's the case. I mean the one thing I would say is that if the sole way or the primary way in which you influence policy and whole accountability is a vote every four years, then people are not going to be terribly interested just in voting every four years. In other words the second principle of the Scottish parliament, accountability, executive to parliament, both to the people, has to have some structure of accountability which is not just once every four years to vote and these are the things we're feeling after. I think we're feeling after something for which I have no clear blueprint or idea but we're feeling after the need for the mechanisms and the institutions that will enable the people in some meaningful way to take part in the formation of policy and if your Commission can come up with them I'll be glad.

HK: Well one of the reasons for being here in Scotland and coming to Glasgow was not just that we're taking the Commission to different cities around the United Kingdom but that we particularly felt that this was a very fertile soil because you've got this new parliament and there's an awareness when you're creating something new of where the fault lines are and also a willingness perhaps to try out new things. This was going to be an important part of our work and that's why we made it our first visit outside of London. So it is an important thing for us to be here because we really do think that this is an environment in which exciting new projects could actually take place and new ideas could be run out here. I'm going to bring Bano in but I'm very anxious now that we should go to the audience in a minute, Bano...

BM: It's a nuts and bolts kind of question. Two of my brothers work in local government and I'm constantly hearing them say I wish you could just shut up and leave us alone to do our jobs by ourselves. Now we've heard about this consultation, and consultation fatigue, now we're also saying well in addition to doing consultation, we also need to start giving feedback. So from the other side, how difficult does this make parliament's job? I mean can they actually do their job if they are too busy doing feedback, attending 12 meetings a week, consulting people, then giving them feedback?

KW: It's difficult. I see the difficulty because obviously in terms of some events and emergencies you cannot go through the whole consultation process, that has to be made clear and we made it even more difficult for the consultative steering groups because we asked the Civil Service and the politicians to prepare for each major legislated proposal a five point memorandum that would answer five questions and I'll very quickly... what problem is this intended to address and what is the strategic thinking behind it; what consultation process took place before this came, this proposal came, whatever it is; what are the financial implications of it; what... I've forgotten the fourth one but the fifth one was what are the implications of this for sustainable development, equal opportunities and the Island communities.

[Laughter]

KW: So there is supposed to be a memorandum produced... Oh yes, what options were looked at and why was this particular option chosen, that was the other one.

So there was every time a Bill is proposed, unless it was an emergency one, there is supposed to be that explanatory memorandum which incidentally came from the European example, we proposed it because of that. Now that is not...it's being done but in a very cursory kind of way and I can understand that and I think one of the things we should press for is for that to be done much more clearly.

Strategic thinking of course is an important part of this process and the committees were supposed to do three things for parliament: they were supposed to hold the executive to account; scrutinise legislation; but they were also supposed to think strategically in their key area. The third one they haven't had time to do. So that's another area which public participation... you know strategic thinking about health, about education, about housing, about the environment, about the major areas, is something which the parliament is not well equipped to do and indeed short-term politics is not equipped to do, four years at a time. So these are things that I think we should be moving towards.

JM: But I do also think that that level of detail in consultation is also something to do with the kind of age of politics that we're living through. That in the absence of big ideological narratives, people tend to think government is about what works and when you really start talking about what works, you do come down to a very intense kind of consultation about detail and so on. Now often people feel that they're not listened to, even at that, but I think the kind of avoidance of big ideological narratives in our current phase of politics does mean that a lot of consultation takes place at a very detailed level, you know they're trying to build some big dynamic consensus around a sort of broad strategy for society is not the kind of stage that we're at and it's not what politicians I think feel comfortable doing. And that does tend to lead to this kind of fatigue in very detailed consultation processes.

FM: Can I just ask one question? We've been talking very interestingly on a wide variety of topics now but except for Joyce and Joyce only briefly, nobody has had anything to say about political parties, and yet Scotland is the sort of crucible, the demonstration case of where the reforms have given political parties more power and now have more of a selection of candidates and the PR and all the effect that has and yet these are sharply diminishing bodies, losing members right and left as they are across the whole of the UK and therefore diminishing legitimacy to some extent, if they represent a smaller and smaller number of people. Is there anything Kenyon that could be done to reverse this, to re-awaken an interest in political parties or isn't that the way to go?

KW: Well yes, I think two things. I wish I had an answer to your question but two things might help. I mean one is from the beginning the constitutional convention wanted a system that would be much less adversarial, much less adversarial and the electoral system was partly designed we hoped to achieve that, and personally although I still belong to the Liberal Democrats very loosely, I did

actually propose to the Liberal Democrats quite recently that they withdrew from the coalition in Scottish politics because I felt the minority government formed by Labour which would have to look over its shoulder at the parliament, would give the parliament much greater power and reduce the party influence, but I was told that was terribly unrealistic amongst many other things I've proposed over the years!

[Laughter]

KW: I was told that was politically impossible. Yes, Malcolm Rifkind said he would jump off the roof of the Scottish Office if we got our act together about the Scottish parliament and I have never held him to that promise!

[Laughter]

KW: So that's one thing and I suppose the other thing is what I was talking about earlier, about creating something in society as a whole which is thinking about policy so that it's not just... at the moment policy is primarily put together in the political parties – in these tiny, these small, increasingly small political parties. So, I suppose part of it also is to create what I call the mechanisms and the institutions by which there is a much broader participation in policy development. How we do that you can tell us I'm sure.

HK: Well I haven't got the answers but maybe our audience have, so this is the moment to do that.

Now hands are already going up. I'm aware that our pupils who are here from Holyrood School are going to have to go because transport's been arranged for them and this would be a good time for you to shuffle out. Thank you for coming and it was good to see you all yesterday and to hear from you, it was terrific.

HK: ... going up and we're keen to have people come in. Great, okay let's start at the back. Please tell us who you are.

Q & A TRANSCRIPTION IN SEPARATE FILE