

UK COVID-19 INQUIRY

MODULE 2A

WITNESS STATEMENT OF KEN MACINTOSH

A. BACKGROUND

1. I am responding to the Inquiry in my capacity as a former Presiding Officer of the Scottish Parliament. I was elected Presiding Officer on 12 May 2016 for the duration of Session 5 of the Scottish Parliament (12 May 2016 – 4 May 2021). I continued in this role until my successor was elected as Presiding Officer for the sixth session of Parliament on 13 May 2021. For the purposes of this statement, I am addressing the period from 21 January 2020 until 13 May 2021. I will refer to this period as the specified period, unless otherwise stated.
2. I have prepared this statement with reference to records and materials provided to me by the Scottish Parliamentary Corporate Body. The Inquiry has issued a separate Rule 9 notice to the Scottish Parliamentary Corporate Body to enable this assistance.
3. The Scotland Act 1998 requires the Parliament to elect a Presiding Officer and two deputies (known as Deputy Presiding Officers) from among the Members of the Scottish Parliament ('MSPs').¹ Elements of the role of the Presiding Officer (particularly in relation to the Parliament's power to legislate) are set out in the Scotland Act 1998, with further duties and detail provided in the Parliament's Standing Orders. My role as Presiding Officer included chairing the Parliamentary Bureau and the Scottish Parliamentary Corporate Body ('SPCB'), and representing the Parliament in the UK and abroad. My role included responsibility for chairing plenary sessions of the Scottish Parliament, and, where a vote is tied, for exercising a casting vote. It also

¹ Scotland Act 1998 (c. 46), s 19.

included determining any question as to the interpretation or application of the Standing Orders.

4. In addition, my role included various responsibilities in relation to the process and management of parliamentary business. The Scotland Act 1998 requires that the Presiding Officer makes a statement on the legislative competence of bills that are introduced in the Scottish Parliament² and determines whether a bill contains subject-matter that would require it to be passed by a two-thirds majority.³ The Parliament's Standing Orders gave me authority to select from among questions submitted by Members for the weekly Topical question times and the weekly First Minister's Question Time, to select from among any Urgent Questions submitted, and to decide whether amendments should be selected for motions for debate. In all of my responsibilities, I was required by the Standing Orders to act impartially and to take account of the interests of all MSPs equally.⁴ I could delegate any of my functions to a Deputy Presiding Officer, except my membership of the SPCB.⁵
5. The Parliamentary Bureau was comprised of MSPs representing each political party or grouping which has five or more MSPs elected to the Parliament. The MSPs who sat on the Parliamentary Bureau were usually the Business Managers for their parties (for opposition parties, business managers fulfil the role also known as chief whip in other legislatures). In Session 5, the parties represented on the Parliamentary Bureau were the Scottish National Party, the Scottish Conservative and Unionist Party, the Scottish Labour Party, the Scottish Green Party and the Scottish Liberal Democrats. Two Deputy Presiding Officers were appointed at the start of the session (Linda Fabiani MSP, Christine Grahame MSP). At its meeting on 31 March 2020, the Parliamentary Bureau agreed to recommend to the Parliament that an additional Deputy Presiding Officer be elected as part of the Parliament's COVID-19 resilience measures (**KM/001-INQ000329197**). Lewis Macdonald MSP was appointed Deputy Presiding Officer by the Parliament on 1 April 2020 (**KM/002-INQ000329201**). The Deputy Presiding Officers attended meetings of the Parliamentary Bureau but did not have a vote (unless they were chairing in my absence, in which case they would have a casting vote if required). Relevant parliamentary officials and officials from the Minister for Parliamentary Business' private office also attended Bureau meetings as required.

² Scotland Act 1998 (c. 46), s 31(2).

³ Scotland Act 1998 (c. 46), s 31(2A).

⁴ Standing Orders, Rule 3.1.3.

⁵ Standing Orders, Rule 3.1.5.

6. The primary role of the Parliamentary Bureau is to propose the business of the Parliament, to be put to the Parliament by motion for debate and agreement. The Parliamentary Bureau met weekly during sitting periods during my tenure to draw up a proposed agenda, known as the business programme, for the Parliament. This programme included proposals for the subject matter of, and time to be allocated to, forthcoming Ministerial statements and debates. The programme of business was proposed to the Parliamentary Bureau by the Minister for Parliamentary Business (the Scottish Government's representative on the Bureau), following consultation with other business managers in regards to the allocation of days that are reserved for opposition business.⁶ The Parliament was invited to agree the proposed business programme in a motion by the Parliamentary Bureau. The agreed timetable of future business was then published in the Business Bulletin.
7. The Parliamentary Bureau proposes to the Parliament the establishment, remit, membership and duration of any committee or sub-committee. It also proposes procedural matters, such as deadlines for stages of the consideration of legislation, and any proposal to vary or suspend an aspect of Standing Orders for the purpose of managing consideration of any item of business.
8. The Parliamentary Bureau meets in private, as provided in Standing Orders. Minutes of each meeting are agreed at the subsequent meeting and then published on the Parliament's website, and many of the decisions of the Bureau are also made public in advance of publication of the minutes through being expressed in the terms of motions to be agreed by the Parliament. Where a decision of the Parliamentary Bureau is subject to a vote, each party's representative on the Bureau carries one vote for each MSP they represent out of the overall total of 128 MSPs (not including the Presiding Officer). In March 2020, this meant that the Scottish National Party had 61 votes, the Scottish Conservative and Unionist Party had 31, the Scottish Labour Party had 23, the Scottish Green Party had 6 and the Scottish Liberal Democrats had 5. There were two Members sitting as Independents who were not represented on the Bureau, both former SNP Members. Influence in the Parliamentary Bureau is therefore reflective of the relative strength of the parties in the Parliament. If any matter was subject to a vote in the Bureau, the SNP would, therefore, need the support or abstention of just one

⁶ Rule 5.6.1(b) requires that on 16 half sitting days in each parliamentary year, meetings of the Parliament consider business chosen by political parties which are not represented in the Scottish Government. These half days are allocated among opposition parties in proportion to the relative number of MSPs each has.

other party to carry the vote. As Presiding Officer, I had a casting vote if a vote was tied. Where a member of the Parliamentary Bureau does not wish a vote to be taken in the Bureau, but wishes to indicate that their party may speak on or oppose any matter in the Chamber, they may indicate that they 'reserve their party's position' on that matter.

9. The SPCB is a statutory body provided for by the Scotland Act 1998. The SPCB is required to provide the property, staff and services needed by the Parliament to carry out its functions. It consists of at least five members.⁷ In addition to the Presiding Officer as chair, there are at least four other MSPs elected by the Parliament to sit on the SPCB. Members are elected as individuals to represent the interests of all MSPs and not as party representatives. The SPCB met approximately fortnightly during the specified period. Its meetings were held in private. Minutes of each meeting were agreed at the subsequent meeting and then published on the Parliament's website.
10. My role as chair of the Parliamentary Bureau and SPCB meant that I was involved in all decision-making about how the Parliament responds to a civil emergency, with operational matters appropriately delegated to the Parliament's staff organisation. Relevant decisions that the Parliamentary Bureau may take in any emergency included whether to recommend to the Parliament that Standing Orders are varied or suspended in regard to consideration of a particular item of business, or amended on a temporary basis,⁸ what matters to include in the business programme and when the Parliament would sit and in what format. The SPCB's role in a civil emergency is to take decisions on the Parliament's services and facilities, such as: the resources required to support hybrid or remote proceedings of the Parliament; how to manage the building, including any restriction on access to it by staff and the public; and whether to implement other requirements for building users, such as social distancing, working from home etc.
11. I had powers under Standing Orders to make decisions about meetings of the Parliament in the event of an emergency. These included the power to suspend a meeting of the Parliament;⁹ to make amendments to the daily business list;¹⁰ and to convene meetings of the Parliament outside normal sitting times.¹¹ Standing Orders

⁷ Scotland Act 1998 (c. 46), s 21.

⁸ Standing Orders, Rule 17.1.A(3).

⁹ Standing Orders, Rule 7.4.1(a).

¹⁰ Standing Orders, Rules 5.5.4; 7.4.4.

¹¹ Standing Orders, Rule 2.2.10.

gave me authority to convene a meeting of the Parliament on days and times on which it would not otherwise be scheduled to meet (i.e., to 'recall' the Parliament during, for example, a recess period). My role as Presiding Officer required maintaining strict impartiality and taking account of the interests of all Members equally - not taking political positions or participating directly in political debate, but being politically aware and ensuring that the Parliament could operate in a way that allowed elected members to fulfil their representative functions and hold the Scottish Government to account by asking questions, debating issues, etc.

12. My main liaison with the Scottish Government and representatives of opposition parties during the specified period was in my role as chair of the Parliamentary Bureau, which met weekly when the Parliament was sitting. It also met at other times when required (for example, meetings during the Easter recess on 07 April 2020, 14 April 2020; meetings during the summer recess on 29 June 2020, 06 July 2020, 13 July 2020, 20 July 2020, 27 July 2020, 03 August 2020; and during Christmas recess on 03 January 2021). The focus of these discussions was agreeing proposals for the Parliament's business programme for plenary sittings, which included consideration of how the Scottish Parliament could hold the Scottish Government to account on its handling of the pandemic. The matters we discussed and agreed in these meetings were recorded in the minutes, which are published on the Scottish Parliament's website. I have addressed the matters discussed in these meetings further in my statement below.
13. In addition to Parliamentary Bureau meetings, I had a weekly meeting with the Minister for Parliamentary Business, and a fortnightly meeting with each of the other party business managers. These meetings were an opportunity to discuss individually with the Minister and with business managers matters of relevance to our shared responsibility for managing parliamentary business. These meetings were informal and private, and were not minuted.
14. It was not unusual for me to also make or receive phone calls from the then First Minister. The purpose of these phone calls would be to discuss matters related to the Scottish Parliament's scrutiny of the Scottish Government. I recall holding two or three phone calls over the specified period. I do not retain diary entries or notes detailing the substance of these conversations.

B. INITIAL RESPONSE TO THE PANDEMIC – JANUARY TO MARCH 2020

15. I first became aware of COVID-19 and the threat which it posed to the people of Scotland through media reports in early 2020. As the outbreak spread across the globe, I become increasingly conscious of growing public alarm and a parallel growing expectation of the need for executive action to address it. While the Parliament had established plans for business continuity and resilience which we actively reviewed, the briefing on 12 March 2020 referred to below was a pivotal moment in recognising the full extent of the challenge that the pandemic posed to parliamentary scrutiny.
16. On 12 March 2020, I and members of the SPCB received an in-person briefing from the Chief Medical Officer, Catherine Calderwood, on the emergence and potential consequences of COVID-19. This meeting was not minuted, although reference is made to it in the minutes of an SPCB meeting that took place later that day (**KM/003-INQ000329345**).
17. Recognising the seriousness of the situation, my parliamentary colleagues and I wished to share the important information we had been given with fellow MSPs. There is, however, no facility for medical advisers to address formal sittings of the Scottish Parliament. To overcome this difficulty, we organised a briefing to be held on 18 March 2020, so that all MSPs could be brought up to date with the expected impact of COVID-19 and the SPCB's response. The purpose of the briefing was to ensure that MSPs were able to understand the views of scientific advisers and ask questions about the emerging pandemic threat. The session included a welcome from the Parliament's Chief Executive, David McGill, a brief update from the Deputy Chief Executive, Michelle Hegarty, and an update from the National Clinical Director, Professor Jason Leitch. A question-and-answer session followed. The meeting was not minuted, although reference is made to the meeting in the SPCB's meeting minutes of 19 March 2020 (**KM/004-INQ000329346**).
18. Aside from these meetings, my main liaison with the Scottish Government (and representatives of opposition parties) in the period between January and March 2020 was in my role as chair of the Parliamentary Bureau. The focus of our discussion was on agreeing proposals for the Parliament's business programme. This included consideration of how the Parliamentary business programme would allow opportunities for scrutiny of the Scottish Government's decision-making, how those decisions were communicated to the Parliament and how MSPs were able to scrutinise those

decisions in plenary meetings. This is the level and nature of involvement which I would have expected in my role as Presiding Officer. I have included details of these meetings in Section D of my statement below (see Figure 1).

C. DECISIONS IN RELATION TO NON-PHARMACEUTICAL INTERVENTIONS ("NPLS")

19. As noted earlier in my statement, my main liaison with the Scottish Government and representatives of opposition parties was in my role as chair of the Parliamentary Bureau. The focus of our discussion was on agreeing proposals for the Parliament's business programme. I have included details of these meetings in Section D of my statement below (see Figure 1).
20. Alongside other MSPs, I received briefings from the Scottish Government on 12 March 2020 and 18 March 2020, as noted earlier in my statement. In addition to these briefings, I attended a briefing from the Chief Medical Officer on 21 December 2020 at the Scottish Parliament. The purpose of the briefing was to discuss recent changes to COVID restrictions that had been implemented that weekend. The meeting was not minuted.
21. Through the Office of the Presiding Officer, we had previously issued "Good practice guidance on announcements by the Scottish Government" (**KM/005-INQ000329207**) to ensure that the Scottish Government's accountability remained first to the Scottish Parliament. The guidance is intended to ensure that matters of importance did not enter the public domain before they were announced to the Parliament, in order to maintain the principle that elected members should have the first opportunity to scrutinise the Scottish Government on significant matters. The guidance sets out five methods by which major announcements could be made to the Parliament: a Ministerial statement to the Parliament; an answer to a Parliamentary question lodged for written answer (known as a 'Government Initiated Question' or GIQ); an answer in the Chamber to a Parliamentary question lodged for oral answer; a Ministerial announcement during a debate; and a Ministerial statement to a committee of the Parliament, but not a letter or other method which does not form part of the Parliament's Official Report. Which of these methods should be chosen to make an announcement depends on the significance of the announcement and the extent to which the chosen method would best reflect the principle of accountability to the Parliament and the right of the Parliament to scrutinise policy decisions. The guidance

predates the pandemic and addresses ongoing issues about the balance between executive decision-making and parliamentary accountability that are a matter of concern to the Parliament regardless of the pandemic.

22. The guidance does not cover access to medical or scientific evidence or advice, or other evidence or advice that may inform government decision-making or announcements. However, it was common practice for the Scottish Government to publish any relevant supporting materials accompanying a statement when a major announcement was made. This material was published on its website and may sometimes have been deposited with the Scottish Parliament's Information Service (SPICe) - the Parliament's research and reference service (roughly equivalent to the House of Commons Library). I have discussed examples of when the Scottish Government published materials on its website to accompany a major announcement below.
23. Regular media conferences became a feature of the Scottish Government's response to the pandemic from 20 March 2020, becoming daily from 22 March. These media conferences were informed by epidemiological data and scientific advice, and were significant elements of the Scottish Government's public health messaging. In a situation where the need for urgent decision-making and public information was widely accepted, the Parliament had to ensure that appropriate opportunities for parliamentary accountability were also maintained. The Parliamentary Bureau agreed time for the Scottish Government to make regular Ministerial Statements on COVID-19 to the Scottish Parliament from March 2020 onwards. I also agreed with the First Minister that I would allow her to update the Parliament on the Scottish Government's response as a preliminary statement before the start of the weekly First Minister's Question Time during sitting periods. Members also had the opportunity to scrutinise decisions relating to non-pharmaceutical interventions through other parliamentary procedures, such as Topical Questions, General Questions and Portfolio Questions in the Chamber or through the time set aside for opposition business etc.
24. The procedure for Ministerial Statements in the Parliament is that where the Scottish Government wishes to make a Ministerial Statement, it informs the Presiding Officer who notifies the Parliamentary Bureau. The Bureau is required to include the statement in the proposed business programme. Standing Orders require that a Ministerial Statement can be debated. The form this takes is that a statement is followed by an opportunity for MSPs to ask questions on matters raised in the

statement. The process for managing questions on a Ministerial Statement is covered by the guidance on announcements by the Scottish Government. This explains that the normal ratio of the length of time given to questions compared to a Minister's statement is 2:1 (e.g., 20 minutes for questions for a 10-minute statement; 30 minutes for questions for a 15-minute statement etc.). This time allocation is not fixed, and for a particularly significant statement I may have encouraged consideration of any departure from this allocation of time in consultation with the Parliamentary Bureau. Although not every Member who wishes to ask a question may be called, this process provides some assurance that the Parliament could scrutinise announcements when they are made by the Scottish Government.

25. The Scottish Government made numerous major announcements regarding its strategy for responding to COVID-19 during the specified period. This included the Scottish Government's Framework for Decision-Making, which was published on Thursday, 23 April 2020. The publication of this framework was announced by the First Minister during a televised media briefing. On that day, an informal virtual question time on education and skills was taking place (**KM/006-INQ000329217**). Fourteen MSPs took part in the session from their homes and constituencies around the country. Four Government ministers from the education and skills portfolio also took part, led by the then Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP.
26. The Scottish Government lodged a GIQ to notify the Parliament that the Framework had been published (**KM/007-INQ000329352**). Members subsequently asked for an opportunity to debate the Framework, including during a subsequent Ministerial statement on COVID-19 legislation on 28 April 2020 (**KM/008-INQ000329218**). A debate without motion on "Suppressing COVID: the next phase" was held on 12 May 2020 (**KM/009-INQ000329219**), which provided Members with an opportunity to debate the Framework for Decision-Making.
27. The Scottish Government published a revision to its strategy entitled "Coronavirus (COVID-19): Scotland's route map through and out of the crisis" on 21 May 2020. The Scottish Government announced the publication of this strategy in a Ministerial statement by the then First Minister entitled "Covid-19 Lockdown: Next Steps" that day (**KM/010-INQ000329224**). The Scottish Government also lodged a GIQ to notify Parliament of the publication (**KM/011-INQ000329353**). The then First Minister explained during her statement that the Scottish Government had also published an

accompanying paper that set out the methods the Scottish Government were using to calculate the R number (i.e., the rate at which the virus was reproducing). The then First Minister explained to Parliament that the Scottish Government would continue to publish an up-to-date estimate of the R number each Thursday.

28. As noted earlier in my statement, one of the mechanisms I had available to me to support parliamentary scrutiny was the power to select urgent questions when these were submitted by members. A topical issue at this time was the discharge of patients into care homes. I used this power to select an urgent question related to care home patients on 21 May 2020 to ensure the Parliament was able to scrutinise the Scottish Government's decision-making on this issue. The question was answered by the Cabinet Secretary for Health and Sport in the chamber that day (**KM/010-INQ000329224**).
29. As we approached the summer recess, the Scottish Government continued to provide updates to the Parliament on the implementation of the Strategic Framework. This included Ministerial statements on "COVID-19 Next Steps" on 21 May 2020 (**KM/010-INQ000329224**) and 18 June 2020 (**KM/012-INQ000329226**).
30. The Parliament agreed to special sitting arrangements during summer recess to ensure that an appropriate level of scrutiny could be maintained. The recess period was shortened to between 27 June 2020 and 9 August 2020. In agreeing to recommend this shorter recess period to the Parliament, the Bureau noted that its intention was for the Parliament to return to a cycle of hybrid plenary sessions on Tuesday and Wednesday afternoons with virtual sessions on Thursday afternoons when the schools resumed from 11 August 2020.
31. The Parliament also agreed to sit during the shortened summer recess period to consider the outcome of the Scottish Government's three-weekly review of the Coronavirus regulations and other relevant matters. Relevant sittings took place on 9 July 2020 (**KM/013-INQ000329228**), 23 July 2020 (**KM/014-INQ000329229**), and 30 July 2020 (**KM/015-INQ000329231**). I have provided a full explanation of the sitting arrangements agreed by the Parliament during the specified period in a document accompanying my statement (**KM/016-INQ000274146-KM/017-INQ000329343**).
32. In the autumn, the Scottish Government's decision-making in relation to care home patients remained topical and I again used my power to select an urgent question on this issue on 7 October 2020 (**KM/018-INQ000329237**).

33. The Scottish Parliament was subsequently in recess from 10 October 2020 until 25 October 2020. However, it agreed to meet on 15 October 2020 to consider a Ministerial statement on COVID-19. During this statement, the then First Minister explained that the Scottish Government intended to replace the temporary restrictions with a new strategic approach to managing the pandemic (**KM/019-INQ000329240**). It was noted that the new framework would explain what level of intervention should apply to each part of the country when the temporary restrictions ended on 26 October 2020. The First Minister also explained that:

“In the week ahead, we intend to share and discuss the provisional content of the strategic framework with other parties. That cross-party engagement will include the offer to party leaders of a detailed briefing session with me, the Cabinet Secretary for Health and Sport and the Government’s key clinical and technical advisers early next week. Mike Russell is also facilitating discussions on how Parliament as a whole can better scrutinise not just the forthcoming framework, but future changes to Covid regulations more generally.”¹²

34. The Scottish Government subsequently announced the revised Strategic Framework in a televised media briefing on Friday, 23 October 2020. The Parliament was not sitting on this day and the Scottish Government lodged a GIQ to notify the Parliament about this announcement (**KM/020-INQ000329354**).
35. Concerns were raised about the Parliament’s scrutiny of this announcement when the Parliament was invited to consider a proposed business programme on Tuesday, 27 October 2020 (**KM/021-INQ000329241**). It was noted that the Parliamentary Bureau had discussed a request to recall the Parliament in the event of a major announcement on the Strategic Framework during the October recess period, but this was not agreed to. Following the Parliament’s consideration and vote on the motion, I made some remarks about the need for the Parliament to reassert its vital role in scrutinising the very difficult decisions that Ministers were taking, often necessarily, with some urgency. I explained that this matter was being considered by the Parliamentary Bureau and I emphasised my desire for these discussions to be Parliament-led and

¹² Official Report, 15 October 2020, Col 5.

shaped by all members in a way that also recognised the significant role of committee scrutiny.

36. The Parliament debated motion S5M23133, in the name of Nicola Sturgeon MSP, on “COVID-19: Scotland’s Strategic Framework” later that afternoon. During the debate, some Members raised concerns that relevant supporting information had only been provided at 12 noon that day.¹³ The Parliamentary Bureau subsequently considered the Parliament’s scrutiny of major announcements at its meeting on 3 November 2020 (**KM/022-INQ000329152**). The Parliament debated a review of the Strategic Framework on 19 November 2020 (**KM/023-INQ000329243**), which provided a further opportunity for Members to express their views on the evidence and opportunities available to scrutinise the Scottish Government’s decision-making.
37. In the lead up to Christmas, I used my power to select two urgent questions related to the government support available for the retail sector and the vaccination programme rollout respectively on 2 December 2020 (**KM/024-INQ000329245**). Over the winter, there was a lot of interest in the vaccination programme rollout and I therefore selected another urgent question on this topic on 9 February 2021 (**KM/025-INQ000329251**).
38. The Scottish Government made a further major announcement on a revised Strategic Framework on 23 February 2021. The Scottish Government made this announcement in a Ministerial statement on COVID-19 by the then First Minister that day, which provided an opportunity for members to ask questions on the statement in a timely way (**KM/026-INQ000329253**).
39. In addition to the Strategic Framework and accompanying policy documents, the Scottish Government produced other relevant scientific materials during this period, such as the State of the Epidemic reports. These materials were published on the Scottish Government’s website from January 2021 onwards and were referenced by Scottish Ministers during plenary proceedings. As the materials were scientific and produced on a routine basis, their publication was not in itself subject to the guidance on major announcements.

¹³ Official Report, 27 October 2020, Col 44, 55, 59.

D. PUBLIC HEALTH AND CORONAVIRUS LEGISLATION AND REGULATIONS

Engagement with the legislative response as Presiding Officer

40. Figure 1 below shows a summary of relevant agenda items considered at selected meetings of the Parliamentary Bureau during the specified period. I have included the minutes of each meeting listed below (where these are available) with my statement. I have also included the meeting documents that accompany the relevant agenda items. Should the Inquiry find it helpful, I can provide all papers for the meetings listed below.
41. Further meetings of the Parliamentary Bureau took place in the specified period. Should the Inquiry find it helpful, I can provide further information on the regular meetings held during the specified period, including the full list of meetings that took place and the accompanying meeting papers.

Figure 1: Key meetings of the Parliamentary Bureau (1 January 2020 – 13 May 2021)

Date	17/03/2020
Topics discussed	<ul style="list-style-type: none">• Time for Reflection: April to June 2020• Parliamentary business planning
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Graeme Dey MSP, Liz Smith MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Mark Griffin MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/027-INQ000329170, KM/028-INQ000329293, KM/029-INQ000329294)
Date	24/03/2020
Topics discussed	<ul style="list-style-type: none">• Future business programme• Business continuity
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP (by videoconference), Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, John Finnie MSP, Willie Rennie MSP, Elaine Smith MSP (apologies), Patrick Harvie MSP (apologies), George Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.

Materials	Meeting papers and minutes (KM/030-INQ000329189, KM/031-INQ000329295, KM/032-INQ000329296)
Date	31/03/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: Coronavirus (Scotland) Bill; options for the scrutiny of COVID-19 legislation; and other matters • Approval of SSIs: the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 (SSI 2020/106) • Referral of Members' Bills
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Elaine Smith MSP (apologies), George Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/001-INQ000329197, KM/033-INQ000329297, KM/034-INQ000329300, KM/035-INQ000329301)
Date	07/04/2020
Topics discussed	See details for meeting on 16/04/2020
Attendance	Not available
Materials	See details for meeting on 16/04/2020
Date	14/04/2020
Topics discussed	See details for meeting on 16/04/2020
Attendance	Not available
Materials	See details for meeting on 16/04/2020
Date	16/04/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: meetings of committees - remote participation; meetings of the Parliament - remote participation • Business continuity • Establishment of a COVID Committee
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Rhoda Grant MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.

Materials	Meeting papers and minutes (KM/036-INQ000329168, KM/037-INQ000329302, KM/038-INQ000329303, KM/039-INQ000329304)
Date	21/04/2020
Topics discussed	<ul style="list-style-type: none"> • Business continuity
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Elaine Smith MSP (apologies), George Adam MSP (observing), Rhoda Grant (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/040-INQ000329183)
Date	28/04/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Rhoda Grant MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/041-INQ000329195, KM/042-INQ000329305)
Date	05/05/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme • Business continuity • Approval of SSI: Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No.2) Regulations 2020
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Rhoda Grant MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/043-INQ000329153, KM/044-INQ000329306, KM/045-INQ000329307, KM/046-INQ000329308)
Date	12/05/2020

Topics discussed	<ul style="list-style-type: none"> • Future business programme • Hybrid meetings • Proposed Coronavirus (No. 2) (Scotland) Bill: timetable and parliamentary procedure • Suspension and variation of Standing Orders: committee voting procedures
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Elaine Smith MSP (apologies), George Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/047-INQ000329162, KM/048-INQ000329309, KM/049-INQ000329310, KM/050-INQ000329311, KM/051-INQ000329312)
Date	19/05/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: Coronavirus (No. 2) (Scotland) Bill; Ministerial statement on lockdown: next steps
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Elaine Smith MSP (apologies), George Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/052-INQ000329173)
Date	26/05/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: Scottish Government debates on COVID-19 on 2 June 2020 and 9 June 2020 • Approval of SSI: Release of Prisoners (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/138) • Remote voting update
Attendance	Linda Fabiani MSP (chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Ken Macintosh MSP (apologies), George Adam MSP (observing), Elaine Smith MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.

Materials	Meeting papers and minutes (KM/053-INQ000329193, KM/054-INQ000329313, KM/055-INQ000329314)
Date	2/06/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: remote voting update; Scottish Government debates on COVID-19 on 2 June 2020, 9 June 2020 and 16 June 2020 • Approval of SSIs: Land Reform (Scotland) Act 2016 (Supplementary Provision) (Coronavirus) Regulations 2020 • Summer recess: sitting dates and recall procedure
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Elaine Smith MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/056-INQ000329151, KM/057-INQ000329315, KM/058-INQ000329316, KM/059-INQ000329317)
Date	09/06/2020
Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020
Attendance	Ken Macintosh MSP (Chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Elaine Smith MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/060-INQ000329159, KM/061-INQ000329318)
Date	16/06/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme • Approval of SSIs: the Local Government Finance (Coronavirus) (Scotland) Amendment Order 2020 • Suspension and variation of Standing Orders • Hybrid meetings guidance
Attendance	Ken Macintosh MSP (Chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George

	Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/062-INQ000329169, KM/063-INQ000329319, KM/064-INQ000329320, KM/065-INQ000329321, KM/066-INQ000329322)
Date	23/06/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: summer recess arrangements • Approval of SSIs: The Registration of Independent Schools (Prescribed Person) (Coronavirus) (Scotland) Amendment Regulations 2020; Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020; Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020; Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020; Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020; Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020; Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2020
Attendance	Ken Macintosh MSP (Chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Elaine Smith MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/067-INQ000329188, KM/068-INQ000329256, KM/069-INQ000329323)
Dates	29/06/2020, 06/07/2020, 13/07/2020, 20/07/2020, 27/07/2020, 03/08/2020 (summer recess period)
Topics discussed	See details for meeting on 06/08/2020
Attendance	Not available
Materials	See details for meeting on 06/08/2020
Date	06/08/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: Ministerial statement on Covid-19 next steps

	<ul style="list-style-type: none"> Business continuity: remote voting; scheduling and structure of the parliamentary week
Attendance	Ken Macintosh MSP (Chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Liz Smith MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/070-INQ000329154, KM/071-INQ000329257, KM/072-INQ000329258)
Date	25/08/2020
Topics discussed	<ul style="list-style-type: none"> Future business Approval of SSIs: the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 (SSI 2020/234); the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/190); the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/199); the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/210); the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/211); the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/232); the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 10) Regulations 2020 (SSI 2020/236); the Care Homes Emergency Intervention Orders (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/201); the Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/188); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/209); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/221); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/224); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020 (SSI

	<p>2020/229); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/233); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/235);</p> <ul style="list-style-type: none"> • Business planning: hybrid meetings
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Elaine Smith MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/073-INQ000329191, KM/074-INQ000329259, KM/075-INQ000329260, KM/076-INQ000329261)
Date	01/09/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: hybrid meetings • Suspension and variation of Standing Orders: Hybrid committees
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Tom Arthur MSP (observing), Rhoda Grant MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/077-INQ000329147, KM/078-INQ000329262, KM/079-INQ000329263)
Date	08/09/2020
Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: the Representation of the People (Electoral Registers Publication Date) (Coronavirus) (Scotland) Regulations 2020; the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2020; the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020; the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 12) Regulations 2020
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP; George Adam MSP

	(observing); Linda Fabiani (apologies); Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/080-INQ000329156, KM/081-INQ000329264)
Date	15/09/2020
Topics discussed	<ul style="list-style-type: none"> Approval of SSIs: Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2020; Health Protection (Coronavirus, Restrictions) (Aberdeen City) Amendment Regulations 2020
Attendance	Christine Grahame MSP (Chair), Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Ken Macintosh MSP (apologies), Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/082-INQ000329163, KM/083-INQ000329265)
Date	22/09/2020
Topics discussed	<ul style="list-style-type: none"> Future business Approval of SSIs: the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020; Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020; Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262) • Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020 • Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020.
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/084-INQ000329184, KM/085-INQ000329266, KM/086-INQ000329267)
Date	29/09/2020

Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2020 (SSI 2020/274); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2020 (SSI 2020/280) • Suspension and variation of Standing Orders: Extension • October recess: Ministerial statement on COVID-19 next steps, Thursday 15 October
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabian MSP (apologies), Lewis Macdonald (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/087-INQ000329196, KM/088-INQ000329268, KM/089-INQ000329269, KM/090-INQ000329270)
Date	06/10/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: parliamentary scrutiny of the Scottish Government's response to the COVID-19 pandemic and future business planning • Approval of SSIs: the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (SSI 2020/279); the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 (SSI 2020/300)
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/091-INQ000329155, KM/092-INQ000329271, KM/093-INQ000329272)
Date	15/10/2020
Topics discussed	<ul style="list-style-type: none"> • Future business planning: parliamentary scrutiny of the Scottish Government's response to the COVID-19 pandemic and future business planning

Attendance	Ken Macintosh MSP (Chair), Linda Fabiani MSP, Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP (observing), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/094-INQ000329164, KM/095-INQ000329273)
Date	27/10/2020
Topics discussed	<ul style="list-style-type: none"> • Future business programme: First Minister's Question Time – announcement on Covid-19 Strategic Framework; parliamentary scrutiny of the Scottish Government's response to the COVID-19 pandemic • Approval of SSIs: the Corporate Insolvency and Governance Act 2020 (Meetings of Scottish Charitable Incorporated Organisations) (Coronavirus) Regulations 2020 (SSI 2020/284); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2020 (SSI 2020/288); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2020 (SSI 2020/301)
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/096-INQ000329194, KM/097-INQ000329274, KM/098-INQ000329275)
Date	03/11/2020
Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2020 (SSI 2020/307); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020 (SSI 2020/326) • SPPA Committee inquiry into resilience of practices and procedures

	<ul style="list-style-type: none"> Scrutiny and future business planning: improving scrutiny and future business planning in relation to Covid-19-related regulations and policy changes.
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/022-INQ000329152, KM/099-INQ000329276, KM/100-INQ000329277, KM/101-INQ000329278)
Date	10/11/2020
Topics discussed	<ul style="list-style-type: none"> Matters arising: improving scrutiny and future business planning in relation to Covid-19-related regulations and policy changes Approval of SSIs: the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Amendment Regulations 2020 (SSI 2020/328); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2020 (SSI 2020/330)
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/102-INQ000329160, KM/103-INQ000329279)
Date	17/11/2020
Topics discussed	<ul style="list-style-type: none"> Future business programme: Ministerial Statement on COVID-19 and debate on COVID-19 on 19 November Referral of a Bill at Stage 1: Scottish General Election (Coronavirus) Bill Scrutiny and future business planning: package of enhanced COVID-19 scrutiny measures
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald

	MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/104-INQ000329171, KM/105-INQ000329280, KM/106-INQ000329281, KM/107-INQ000329282)
Date	24/11/2020
Topics discussed	<ul style="list-style-type: none"> • Suspension and variation of Standing Orders: Scottish General Election (Coronavirus) Bill • Approval of SSIs: the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (SSI 2020/344); the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment Regulations 2020 (SSI 2020/347); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 20) Regulations 2020 (SSI 2020/343); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 21) Regulations 2020 (SSI 2020/354); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 22) Regulations 2020 (SSI 2020/358) • Committee request to appoint advisers: COVID-19 Committee
Attendance	Ken Macintosh MSP (Chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/108-INQ000329190, KM/109-INQ000329283, KM/110-INQ000329284, KM/111-INQ000329285)
Date	01/12/2020
Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (SSI 2020/374); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 23) Regulations 2020 (SSI 2020/378); the Valuation (Postponement of Revaluation) (Coronavirus) (Scotland) Order 2020
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP,

	Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/112-INQ000329148, KM/113-INQ000329286)
Date	08/12/2020
Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/389); Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/392) • Suspension and variation of Standing Orders: Extension: suspensions and variations of Standing Orders agreed by the Parliament as part of its response to the COVID19. • Scottish General Election (Coronavirus) Bill: Implications for the Parliament
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/114-INQ000329157, KM/115-INQ000329287, KM/116-INQ000329288, KM/117-INQ000329289)
Date	15/12/2020
Topics discussed	<ul style="list-style-type: none"> • Scrutiny: COVID-19: enhanced scrutiny arrangements for COVID-19
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/118-INQ000329165, KM/119-INQ000329290)
Date	22/12/2020

Topics discussed	<ul style="list-style-type: none"> • Future business programme: recall of Parliament in the week commencing 4 January 2021 to consider any urgent COVID-19-related business • Approval of SSIs: the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/400); the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/415); the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/427); the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 24) Regulations 2020 (SSI 2020/404)
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/120-INQ000329185, KM/121-INQ000329291, KM/122-INQ000329292)
Date	03/01/2021
Topics discussed	See details for meeting on 12/01/2021
Attendance	Not available
Materials	See details for meeting on 12/01/2021
Date	12/01/2021
Topics discussed	<ul style="list-style-type: none"> • Matters arising: recall of Parliament on 4 January to consider a Ministerial statement on Covid-19
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Rhoda Grant MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Elaine Smith SMP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/123-INQ000329161)
Date	19/01/2021

Topics discussed	<ul style="list-style-type: none"> Approval of SSIs: the Health Protection (Coronavirus) (Protection from Eviction) (Scotland) Regulations 2020 (SSI 2020/425); the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) Regulations 2020 (SSI 2020/439); the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/471); the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (SSI 2021/1); the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (SSI 2021/3); the Social Care Staff Support Fund (Coronavirus) (Scotland) Amendment Regulations 2020 (SSI 2020/469); the Corporate Insolvency and Governance Act 2020 (Meetings of Scottish Charitable Incorporated Organisations) (Coronavirus) (No. 2) Regulations 2020 (SSI 2020/421); the Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) Regulations 2020 (SSI 2020/431).
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/124-INQ000329172)
Date	26/01/2021
Topics discussed	<ul style="list-style-type: none"> Approval of SSIs: Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 (SSI 2020/444); Single Use Carrier Bags Charge (Coronavirus) (Scotland) Amendment Regulations 2021 [draft]. Scottish General Election (Coronavirus) Bill: implications for the Parliament
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald

	MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/125-INQ000329192, KM/126-INQ000329324, KM/127-INQ000329325)
Date	02/02/2021
Topics discussed	<ul style="list-style-type: none"> Approval of SSIs: Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021 (SSI 2021/17); Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 13) Regulations 2021 (SSI 2021/25); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 25) Regulations 2020 (SSI 2020/474); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2021 (SSI 2021/5); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2021 (SSI 2021/6); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2021 (SSI 2021/7); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2021 (SSI 2021/19); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2021 (SSI 2021/21); Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (SSI 2021/20) COVID-19 Committee: Request to extend advisers' contracted hours Session 6: Election of the Presiding Officer and Deputy Presiding Officer: resilience measures in response to the COVID pandemic
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/128-INQ000329149, KM/129-INQ000329326, KM/130-INQ000329327, KM/131-INQ000329328)

Date	16/02/2021
Topics discussed	<ul style="list-style-type: none"> • Future business programme: campaign recess • Approval of SSIs: Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 14) Regulations 2021 (SSI 2021/35); Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54); Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/49); Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (SSI 2021/34); Health Protection (Coronavirus) (International Travel, Prohibition on Travel from the United Arab Emirates) (Scotland) Amendment Regulations 2021 (SSI 2021/52); Human Tissue (Authorisation) (Specified Type B Procedures) (Scotland) Regulations 2021 [draft]; Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2021 [draft]
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Lewis Macdonald MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/132-INQ000329166, KM/133-INQ000329329, KM/134-INQ000329330)
Date	23/02/2021
Topics discussed	<ul style="list-style-type: none"> • Matters Arising: campaign recess – Covid-19 Committee • Approval of SSIs: Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50); Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2021 [draft]
Attendance	Ken Macintosh MSP (chair), Linda Fabiani MSP, Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, Elaine Smith MSP, Patrick Harvie MSP, Willie Rennie MSP, Lewis Macdonald MSP

	(apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/135-INQ000329186, KM/136-INQ000329331)
Date	02/03/2021
Topics discussed	<ul style="list-style-type: none"> Emergency Bills: Correspondence from Standards Procedures and Public Appointments Committee
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, James Kelly MSP, Patrick Harvie MSP, Willie Rennie MSP, Lewis Macdonald MSP (apologies), Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/137-INQ000329150, KM/138-INQ000329332)
Date	09/03/2021
Topics discussed	<ul style="list-style-type: none"> Approval of SSIs: Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/72); Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft]; Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021 (SSI 2021/74) Temporary Standing Orders: e operation of temporary Standing Orders at the start of Session 6
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Graeme Dey MSP, Miles Briggs MSP, James Kelly MSP, Patrick Harvie MSP, Willie Rennie MSP, Lewis Macdonald MSP (apologies), Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/139-INQ000329158, KM/140-INQ000329333, KM/141-INQ000329334)
Date	16/03/2021
Topics discussed	<ul style="list-style-type: none"> Future business programme: criteria for recall during campaign recess Approval of SSIs: Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2021 (SSI 2021/81); Health Protection

	<p>(Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86); Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2021 (SSI 2021/89); Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland) Amendment Regulations 2021 (SSI 2021/107); Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/111); Scottish Parliament (Elections etc.) Amendment (Coronavirus) Order 2021 [draft]; Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [draft]</p> <ul style="list-style-type: none"> • COVID-19 Committee: request to extend advisers' contract
Attendance	Ken Macintosh MSP (chair), Christine Grahame MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, James Kelly MSP, Patrick Harvie MSP, Willie Rennie MSP, Linda Fabiani MSP (apologies), Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/142-INQ000329167, KM/143-INQ000329335, KM/144-INQ000329336, KM/145-INQ000329337)
Date	23/03/2021
Topics discussed	<ul style="list-style-type: none"> • Approval of SSIs: Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 (SSI 2021/117) • Session 6: First Days
Attendance	<ul style="list-style-type: none"> • Ken Macintosh MSP (chair), Christine Grahame MSP, Linda Fabiani MSP, Lewis Macdonald MSP, Graeme Dey MSP, Miles Briggs MSP, James Kelly MSP, Patrick Harvie MSP, Willie Rennie MSP, George Adam MSP, Scottish Parliament officials, Minister for Parliamentary Business' officials.
Materials	Meeting papers and minutes (KM/146-INQ000329187, KM/147-INQ000329338, KM/148-INQ000329339)

42. As Presiding Officer, I had responsibility for various aspects of the Parliament's scrutiny of legislation. The level of involvement I had in the Parliament's scrutiny of the

legislative response to the pandemic was what I would have expected in relation to my responsibilities as Presiding Officer.

43. When a Bill was introduced, I was required to make a decision in the form of a statement on whether or not, in my view, the provisions it contained would be within the legislative competence of the Scottish Parliament.¹⁴ This statement sits alongside confirmation from the promoter of the Bill that, in their view, the Bill is within legislative competence. My role is to provide an independent opinion on this question of law. It is not a view on the policy approach, which is a matter for the parliamentary scrutiny that follows. After the final amendments have been made to a Bill, I am required to state whether or not, in my view, a “supermajority” is required for it to pass its final stage.¹⁵ A supermajority only applies where the Bill relates to a protected subject matter.¹⁶ There were three relevant bills introduced in the specified period the Coronavirus (Scotland) Bill, Coronavirus (Scotland) (No.2) Bill, and the Scottish General Election (Coronavirus) Bill. In each case, I made a statement on legislative competence and protected subject matter.
44. My responsibilities as Presiding Officer also included the power to select, from among amendments lodged, those that may be debated during Stage 3 scrutiny of a bill.¹⁷ In making this decision, I applied criteria that are set out in the Guidance on Public Bills.¹⁸
45. As chair of the Parliamentary Bureau, I chaired discussions about matters relevant to the Parliament’s business programme, including decisions about how much time to allocate to the different stages of scrutiny of bills and when motions to agree primary and secondary legislation would be taken in the Chamber. The Parliamentary Bureau also made recommendations to the Parliament on the timetabling of bills and relevant procedural deadlines. These discussions included consideration of the approach to scrutiny of a bill that the Scottish Government wishes to propose be subject to the emergency bill procedure, as was the case for the Coronavirus (Scotland) Bill and the Coronavirus (No. 2) (Scotland) Bill.

¹⁴ Scotland Act 1998 (c. 46), s 31(2). The boundaries of legislative competence are set out in s 29.

¹⁵ Scotland Act 1998 s 31(2A).

¹⁶ See Scotland Act 1998 s 31(5).

¹⁷ Standing Orders, Rule 9.8.4.

¹⁸ Guidance on Public Bills: Session 6 Edition.

46. The Scottish Parliament may be invited to consider a Legislative Consent Memorandum ('LCM') in cases where the UK Parliament is seeking to legislate on devolved matters.¹⁹ As chair of the Parliamentary Bureau, I chaired meetings where consideration was given to the approach to scrutinising LCMs, such as that for the bill that became the Coronavirus Act 2020, which the Parliament gave consent to on 24 March 2020 (**KM/149-INQ000329347**).

Scrutiny of the legislation/regulations

47. As noted earlier in my statement, the Coronavirus Bill 2020 contained provisions relating to the devolved competence of the Scottish Parliament. The Coronavirus Bill was introduced in the House of Commons on 19 March 2020. The Scottish Government lodged an LCM in respect of the Bill on 20 March 2020 (**KM/149-INQ000329347**). The Health and Sport Committee (**KM/150-INQ000329212**) and the Finance and Constitution Committee (**KM/151-INQ000329213**) took evidence from Scottish Government Ministers on 24 March 2020 respectively. The Delegated Powers and Law Reform Committee considered the powers to make subordinate legislation conferred on Scottish Ministers contained in the Bill on 24 March 2020 (**KM/152-INQ000329215**). The Parliament was subsequently invited to agree Motion S5M-21322, in the name of Michael Russell, the then Cabinet Secretary for the Constitution, Europe and External Affairs, on 24 March 2020. The motion was agreed to without division (**KM/153-INQ000329199**).
48. I have been asked to comment on the Coronavirus (Scotland) Act 2020 (Emergency Provisions) Order 2020 and three subsequent orders imposing restrictions. I understand that this is an incorrect reference and that the reference should be to the Coronavirus (Scotland) Act 2020. I have commented on the Coronavirus (Scotland) Act 2020 and the other legislation which imposed restrictions throughout this statement. I can provide further information on specific pieces of legislation if required.
49. The Coronavirus (Scotland) Bill was introduced on 31 March 2020. At its meeting on 31 March 2020, the Parliamentary Bureau agreed to propose that, if the Parliament agreed to designate the Bill as an emergency bill, the rules in Standing Orders requiring the printing of an 'As Amended' version of the Bill and producing revised

¹⁹ Scotland Act 1998 (c. 46), s 28(8).

accompanying documents be suspended due to the very limited time that would be available (**KM/001-INQ000329197**).²⁰ The Parliament agreed on 1 April 2020 to designate the Coronavirus (Scotland) Bill as an emergency bill. The Parliament subsequently considered and completed all three stages of scrutiny of the Bill on 1 April 2020 (**KM/154-INQ000329200**, **KM/002-INQ000329201**, **KM/155-INQ000329216**).

50. The Coronavirus (Scotland) (No.2) Bill was introduced on 11 May 2020. At its meeting on 12 May 2020, the Parliamentary Bureau agreed a proposed timetable for scrutinising the Bill, should the Parliament agree to designate the Bill as an emergency bill (**KM/047-INQ000329162**). This included an agreement to vary Standing Orders to remove the default timings for emergency bills to allow more time for scrutiny, and to suspend the rules in relation to the production of revised or supplementary accompanying documents.²¹
51. The Parliament agreed to accept the Parliamentary Bureau's recommendations in relation to the Coronavirus (Scotland) (No.2) Bill on 12 May 2020 (**KM/156-INQ000329202**). The COVID-19 Committee considered the Bill at Stage 1 on 12 May 2020 (**KM/157-INQ000329220**). The Committee wrote to the Scottish Government on 13 May 2020 (**KM/158-INQ000329175**) and received a response on 19 May 2020 (**KM/159-INQ000329176**). The Scottish Parliament debated the general principles of the Bill on 13 May 2020 (**KM/160-INQ000329221**). The COVID-19 Committee conducted the Stage 2 proceedings on 19 May 2020 (**KM/161-INQ000329222**). The Scottish Parliament completed Stage 3 proceedings on 20 May 2020 (**KM/162-INQ000329223**).
52. The Inquiry has also asked me to comment on the Coronavirus (Extension and Expiry) (Scotland) Act 2021. This Bill was introduced in Session 6, after my tenure as Presiding Officer had ended.
53. Other relevant primary legislation that was considered during the specified period was the Scottish General Election (Coronavirus) Bill. The Bill was introduced on 16 November 2020. The Standards, Procedures and Public Appointments Committee took evidence on the Bill at its meeting on 19 November 2020 and published its Stage 1 report on 26 November 2020 (**KM/163-INQ000329348**). On 24 November 2020, the

²⁰ Standing Orders, Rules 9.7.8, 9.7.8A and 9.7.8B.

²¹ Standing Orders, Rules 9.2.1(5), 9.2.1(6), 9.7.8.A and 9.7.8B.

Parliamentary Bureau agreed to recommend to the Parliament suspensions and variations of Standing Orders. These related to the minimum sitting days between Stages 2 and 3; the deadlines for Stage 2 and Stage 3 amendments; and requirements to lodge revised Explanatory Notes, Financial Memorandum and Delegated Powers Memorandum on the Bill (**KM/108-INQ000329190**).²² The Parliament agreed this recommendation on 25 November 2020 (**KM/164-INQ000329203**). The Parliament debated and agreed the general principles of the Bill on 10 December 2020 (**KM/165-INQ000329248**). The Standards, Procedures and Public Appointments Committee considered the Bill at Stage 2 on 17 December 2020 (**KM/166-INQ000329249**). The Parliament then concluded its scrutiny of the Bill at Stage 3 on 23 December 2020 (**KM/167-INQ000329250**).

54. The Scottish General Election (Coronavirus) Bill received royal assent on 29 January 2021. It made special provision in respect of the general election on 6 May 2021. Amongst other matters, the Act determined that the dissolution period would be limited to one day (i.e., 5 May 2021).²³ This meant that MSPs retained their office until the day before the election, unlike in a normal lengthier dissolution period.²⁴ The purpose of making this change was to enable the Parliament to be recalled if Coronavirus were to have threatened the election occurring as normal. In such circumstances, I could have recalled the Parliament up until 5 May 2021 in order for it to debate and pass an emergency Bill to postpone or alter arrangements for the election.
55. On 3 March 2021, the Parliament agreed that the campaign recess would commence on 25 March 2021 (**KM/168-INQ000329204**). It also agreed to suspend Standing Orders to allow the COVID-19 Committee to meet in an emergency during the campaign recess if required.
56. I received a point of order on 24 March 2021 asking me to clarify how the Parliament would hold the Scottish Government to account over any continued use of Coronavirus restrictions during the campaign recess (**KM/169-INQ000329255**). I explained that there was the facility for the COVID-19 Committee to meet to scrutinise legislation, if it considered that it was necessary to do so in an emergency. I also explained that I

²² Standing Orders, Rules 9.5.3A, 9.5.3B, 9.7.8A, 9.7.8B, 9.7.9, 9.10.2, 9.10.2A.

²³ Scottish General Election (Coronavirus) Act 2021 (asp 5), s 6.

²⁴ The Scottish Parliament (Elections etc.) Order 2015 (SSI 2015/425), art 84 otherwise provides that the minimum period for the dissolution of the Scottish Parliament for an ordinary general election is a period of 28 days, computed in accordance with rule 2 of the Scottish Parliamentary Election Rules (computation of time).

would not recall the Parliament unless there was an emergency. I further advised the Chamber that Members could feed through matters arising about the Scottish Government's handling of the pandemic in the newspapers, in the normal way. The Parliament subsequently went into a campaign recess on 25 March 2021 as planned and there was no need to recall the Parliament prior to it being formally dissolved.

57. The Scottish General Election (Coronavirus) Act 2021 also gave me as Presiding Officer power to fix a day after 6 May 2021 for the holding of the poll for the 2021 election if I was satisfied that the Scottish Parliament could not safely meet for the purpose of passing a Bill for an Act to change the day for the holding of the poll. I did not require to use these powers and the general election was held as planned on 6 May 2021.
58. The Parliament also considered secondary legislation that was laid in response to the pandemic during the specified period. Many of the regulations that gave effect to non-pharmaceutical interventions were laid using Scottish Ministers' power to implement health protection regulations under paragraph 1 of schedule 19 to the Coronavirus Act 2020.²⁵ Scottish Ministers had a choice of procedure to use when implementing regulations using these powers. This included the draft affirmative procedure, but Scottish Ministers could use the made affirmative procedure if they considered that the regulations had to be made "urgently". The draft affirmative procedure allows the Delegated Powers and Law Reform Committee up to 22 days from the day a draft instrument is laid to consider and report on the instrument, and the lead committee 40 days from that same date to consider and report on an instrument.²⁶ This is a longer timeframe than the 28-day period for scrutiny that the made affirmative procedure afforded.
59. The usual process for scrutinising secondary legislation subject to the "made affirmative procedure" involves scrutiny and a report by the Delegated Powers and Law Reform Committee. This scrutiny includes reviewing subordinate legislation in respect of the reporting grounds set out in Standing Orders Rule 10.3.1(a)-(j), or on any other ground which does not impinge on its substance or on the policy behind the instrument. The lead policy committee will then scrutinise the legislation and report to

²⁵ Coronavirus Act 2020 (c. 7), sch 19, para 6(1),(2). For other examples of this choice of procedure, see the powers to make public health protection regulations and international travel regulations in sections 86A(1) and 94(1) respectively of the Public Health etc. (Scotland) Act 2008 (per section 122(6) of that Act).

²⁶ Standing Orders, Rules 10.3.2, 10.6.4.

the Parliament setting out its recommendations and taking into account any recommendations made by any other committee.²⁸ If the lead committee recommends that the instrument or draft instrument be approved, the Parliamentary Bureau proposes by motion that the Parliament agrees to approve the instrument or draft instrument in a plenary session.²⁹

60. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (SSI 2020/103) were made using the made affirmative procedure on 26 March 2020 and laid before the Scottish Parliament on 27 March 2020. This instrument was considered by the Delegated Powers and Law Reform Committee at its meeting on 1 April 2020 (**KM/170-INQ000329206**). Concerns identified in relation to this instrument were addressed by the Scottish Government subsequently laying the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 (SSI 2020/106), which was also considered by the Committee at that meeting. The Committee was, therefore, content with SSI 2020/103.
61. At this time, the Parliamentary Bureau had determined that the Parliament's subject committees should not meet unless absolutely necessary. (There were no facilities at this point for committees to meet virtually. Standing Orders were varied on 21 April 2020 to allow committees to meet virtually.) This meant there was no scrutiny of the instrument by a subject committee, such as the Health and Sport Committee, which would normally occur for a made affirmative instrument. The Scottish Parliament was invited to agree S5M-21367 in the name of Graeme Dey MSP, the then Minister for Parliamentary Business and Veterans, on behalf of the Parliamentary Bureau, later on 1 April 2020. The motion was agreed to without division (**KM/154-INQ000329200**). I will address the processes we agreed to scrutinise made affirmative instruments in more detail in the section on 'use of the made affirmative procedure' in my statement below.
62. There were instances when business managers reserved their party's position on secondary legislation related to the Scottish Government's response to the pandemic, including non-pharmaceutical interventions. This was usually highlighted in the context of discussions about the future business programme. Examples included the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 (SSI 2020/234) at the meeting on 25 August 2020 (**KM/073-INQ000329191**); the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 at the meeting on 22 September 2020 (**KM/084-INQ000329184**); the Health Protection

(Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/389) at the meeting on 8 December 2020 (**KM/114-INQ000329157**); Community Orders (Coronavirus) (Scotland) Regulations 2021 [draft] at the meeting on 9 March 2021 (**KM/139-INQ000329158**) and the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [draft] at the meeting on 16 March 2021 (**KM/142-INQ000329167**).

Emergency bill procedure

63. As I have explained earlier in my statement, the emergency bill procedure²⁷ was utilised for the Coronavirus (Scotland) Bill and the Coronavirus (Scotland) (No.2) Bill (both government bills) in response to the pandemic. The use of the emergency bill procedure was in accordance with the provisions which I would have expected the Parliament to follow in circumstances where it agreed to the use of the procedure.
64. The Scotland Act 1998 allows for the Parliament's Standing Orders to make provision to expedite consideration of bills in certain circumstances. The Standing Orders set out an emergency bill procedure. They do not define an 'emergency'. It is a matter for the Parliament to decide, on a motion in the name of the Government Minister who is the member in charge of the bill, whether to agree to designate a government bill as an emergency bill.
65. The emergency bill procedure, if agreed by the Parliament, provides for Stages 1 to 3 of the legislative process to be taken on the same day, unless the Parliament decides otherwise on a motion of the Parliamentary Bureau.²⁸ This differs from the standard procedure for the consideration of public bills in Standing Orders, which provides for minimum periods that must elapse between the day on which Stage 1 is completed and the day on which Stage 2 starts (12 sitting days) and between the day on which Stage 2 is completed and the day on which Stage 3 starts (10 sitting days).
66. The Parliamentary Bureau considered a paper on the emergency bill procedure at its meeting on 31 March 2020, which was the same day that the Coronavirus (Scotland) Bill was introduced (**KM/171-INQ000329298**). The paper highlighted previous examples of emergency bills dating back to Session 1, which included: the Mental Health (Public Safety And Appeals) Scotland) Bill; the Erskine Bridge Tolls Bill; the Criminal Procedure (Amendment) (Scotland) Bill; the Senior Judiciary (Vacancies and

²⁷ Standing Orders Rule 9.21.

²⁸ Standing Orders, Rule 9.2.2.

Incapacity) (Scotland) Bill; Budget (Scotland) (No.3) Bill; the Convention Rights Proceedings (Amendment) (Scotland) Bill; the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill; the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill; and the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. In the case of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, Parliament agreed to no longer treat it as an emergency bill on 29 June 2011. In Session 5, the only example of a bill being designated as emergency bill prior to the start of the pandemic was the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill.

67. The scrutiny of emergency bills was an issue that the Standards, Procedures and Public Appointments Committee had considered prior to the pandemic during Session 5. At its meeting on 2 March 2021, the Parliamentary Bureau considered correspondence from the Standards, Procedures and Public Appointments Committee in relation to the requirement under Rule 9.21 of Standing Orders (as read in conjunction with Rule 9.7.8A-8C) to lodge revised or supplementary accompanying documents for a Bill following Stage 2 (**KM/137-INQ000329150**). The Standards, Procedures and Public Appointments Committee noted that this requirement had been consistently suspended in relation to Parliament's consideration of emergency bills and sought the Parliamentary Bureau's view on whether a permanent change to Standing Orders should be considered. The Bureau agreed to respond to the Standards, Procedures and Public Appointments Committee indicating that it would be supportive of a rule change to remove the requirement for revised accompanying documents to be published for emergency bills (**KM/172-INQ000329182**).
68. The Standards, Procedures and Public Appointments Committee published its report on 16 March 2021 (**KM/173-INQ000329350**), which recommended that the requirement in Standing Orders to produce revised or supplementary accompanying documents for a bill that is designated an emergency bill be removed. In effect, this meant a change to Rule 9.21 to disapply the requirements to lodge revised or supplementary documents after stage 2. The Parliament debated the report and agreed the recommendation to amending Standing Orders, as set out in Motion S5M-24391, on 18 March 2021 (**KM/174-INQ000329205**).

Debates and developments related to the emergency bills

69. The Parliament itself was one of the many organisations directly affected by the impact of Covid and the changes we implemented had a knock-on effect on parliamentary procedures and the manner in which parliamentary scrutiny was conducted. This was apparent from the onset of the pandemic and I made a statement to the Parliament on 24 March 2020, in which I noted that the Parliamentary Bureau would be recommending that the Parliament agree a reduced parliamentary business schedule (**KM/175-INQ000329214**). This programme meant that the Parliament would not sit again for the remainder of the week.
70. At this time, concerns were raised by MSPs about the Parliament's ability to hold the Scottish Government to account and to represent the interests of their constituents. There was a lot of uncertainty in this early period and Members were receiving a high volume of correspondence from concerned constituents.
71. For example, on 1 April 2020, Neil Findlay MSP raised a point of order asking me to speak to the Scottish Government about creating a system that would ensure Scottish Ministers provided more than 'holding answers' to questions raised by MSPs regarding its response to the pandemic (**KM/155-INQ000329216**). I informed the Member that the issues he raised were discussed at the Parliamentary Bureau on 31 March 2020 and that the Minister for Parliamentary Business and Veterans had responded positively to the questions that were raised by business managers. Members were concerned to ensure that the Scottish Government's performance in providing answers to parliamentary questions was maintained. This is an example of Members' feeling that, while acknowledging the extraordinary pressures on the Scottish Government, accountability to the Parliament and transparency for the public was best ensured by continuing the formal processes of parliamentary scrutiny.
72. At the conclusion of the Parliament's consideration of the Coronavirus (Scotland) Bill later that afternoon, I made a statement to the Parliament to explain what steps the Parliamentary Bureau and the SPCB were taking to support chamber and committee scrutiny during the pandemic. In my statement I also addressed an issue that had been raised with me in the context of the Coronavirus (Scotland) Bill, which was how MSPs' written questions could be answered as promptly as possible. I noted that this was an issue that the Minister for Parliamentary Business had committed to explore further with his officials.

Use of the "made affirmative" procedure

73. The made affirmative procedure enables the executive to make regulations that can come into force immediately after being made and, therefore, prior to receiving approval by the Parliament. These regulation-making powers provide for parliamentary review within a short period of time, such that the regulations will expire unless they receive approval by the Parliament within a specified period. In the case of the UK and Scottish Coronavirus Acts of 2020, the regulations made using this procedure can remain in force for 28 days without Parliament's approval. If the approval of Parliament is not received by the end of this period, the regulations will cease to have legal effect.
74. The power to make regulations subject to the made affirmative procedure has existed in various Acts for some time. However, prior to the pandemic, the made affirmative procedure was rarely used to implement secondary legislation in Scotland – on average one or two times per year, according to a report by the DPLRC.²⁹ However, it is perhaps worth highlighting that these powers are ordinarily restricted to circumstances in which Ministers consider it is necessary to act 'urgently', meaning their use by government is reactive to situations of substantial risk that it requires to respond to immediately, such as an infectious disease outbreak or civil emergency. Other recent examples of UK legislation that contain powers which may be exercised subject to this procedure include the European Union (Withdrawal) Act 2018 and the Civil Contingencies Act 2004. In Scottish legislation, examples include the Land and Buildings Transaction Tax (Scotland) Act 2013.
75. A report by the DPLRC into the use of the made affirmative procedure during the pandemic highlighted that it had been used more than 120 times by the time the Committee reported on 10 February 2022.³⁰ The vast majority of these were made using the provisions in schedule 19 of the UK Coronavirus Act 2020 Act (i.e., health protection regulations) and sections 94(1) and 122 of the Public Health etc. (Scotland) Act 2008 (i.e., international travel regulations). These provisions in the Public Health etc. (Scotland) Act 2008 predated the pandemic, but I am not aware of them being used in other circumstances in Session 5.

²⁹ Delegated Powers and Law Reform Committee, Inquiry into the use of the made affirmative procedure during the coronavirus pandemic, 12th Report, 10 February 2022 (Session 6), para 15.

³⁰ Delegated Powers and Law Reform Committee report on the use of the made affirmative inquiry, SP Paper 110, 12th Report, 10 February 2022 (Session 6), para 16.

76. The use of the made affirmative procedure became the focus of increasing scrutiny in the autumn of 2020. This coincided with the introduction of the new Strategic Framework, published on 23 October 2020, and the accompanying 'levels' system for managing the pandemic response. I will address this further in the section on 'Scottish Government decision-making' in my statement below.

Ministerial statements

77. In Session 5, Ministerial statements were delivered in respect of the first five Coronavirus Acts reports on the following dates respectively: 9 June 2020 (**KM/176-INQ000329225**), 11 August 2020 (**KM/177-INQ000329233**), 6 October 2020 (**KM/178-INQ000329236**), 9 December 2020 (**KM/179-INQ000329247**), and 11 February 2021 (**KM/180-INQ000329252**). The sixth Coronavirus Acts reports was published on 14 April 2021. The Scottish Parliament was observing a campaign recess from 25 March 2021 until 4 May 2021. It was then formally dissolved on 5 May 2021, ahead of the Scottish election on 6 May 2021. This meant the Parliament was not sitting in the period after the sixth report was published, with the exception of a motion of condolence that was taken for the late Duke of Edinburgh on 12 April 2021. The then Cabinet Secretary for the Constitution, Europe and External Affairs wrote to me on 9 March 2021 to explain that it was the Scottish Government's intention to lay the report in the Parliament at the first opportunity following the Scottish election (**KM/181-INQ000329210**). This was the standard practice to follow in the circumstances and I did not receive any complaints about this arrangement. The Inquiry has asked about a change in scrutiny of the two-monthly reports to being led by the Covid-19 Committee, rather than them being subject of a Ministerial statement in the Chamber. This change happened in Session 6, after my period in office had ended.

Scottish Government decision-making

78. Members raised concerns about the Parliament's ability to scrutinise Scottish Government decision-making at various points in 2020. As I have described earlier in my statement, there were concerns at the start of the pandemic about the quality of responses to written questions.
79. Members had also raised concerns about the Easter recess period and whether the Parliament should continue sitting to ensure that scrutiny of Scottish Government decision-making could continue in this period. This was an issue raised by some Members in the questions that followed the First Minister's statement on COVID-19 on

24 March 2020 (**KM/175-INQ000329214**). Although no formal meetings of the Parliament took place during the Easter recess, three virtual question times were arranged. The first two of these meetings allowed party leaders to put questions to the First Minister while at the third meeting around 20 Members were able to put questions to four Cabinet Secretaries. These meetings were broadcast with transcripts also being produced.

80. This issue was also raised in relation to the Scottish Government's policy document on COVID-19: A Framework in April 2020. At the Parliamentary Bureau's meeting on 28 April 2020, Elaine Smith MSP (then Scottish Labour Party business manager) requested that time be made available on Tuesday 28 April, or in a virtual session later in the week, to provide an opportunity for questions to be put to the Scottish Government on COVID-19: A Framework for decision-making (**KM/041-INQ000329195**). Other business managers indicated that they were content with the programme of business that had previously been agreed by the Parliament. In relation to the programme of business for the weeks commencing 4 and 11 May, Elaine Smith MSP indicated that her position was that, in the current circumstances, the Parliament should only meet to consider essential business relating to COVID-19 and requested that a debate on the Scottish Government's response to COVID-19 be scheduled for the week commencing 4 May 2020. Following discussion, the Bureau agreed to recommend to the Parliament a programme of business for the weeks commencing 27 April and 4 May 2020, with Elaine Smith MSP indicating that she did not support this proposed programme of business and was therefore reserving her party's position.
81. The approach to scrutiny of the Scottish Government's decision-making was subject to discussion by the Parliamentary Bureau on several occasions following the Parliament's return from the summer recess. At its meeting on 6 October 2020, the Bureau agreed to meet on 15 October (during the parliamentary recess) to consider approaches to the parliamentary scrutiny of the Scottish Government's response to the pandemic and future business planning (**KM/091-INQ000329155**). Following the 6 October meeting, I had informal discussions with Business Managers and subsequently wrote to them (**KM/095-INQ000329273**), as referenced in the BBC news article headlined '*Call for MSPs to have more say over Covid restrictions*'. I also attended a meeting with business managers and the then Minister for Constitution, Europe and External Affairs on 8 October 2020 about the Scottish Parliament's

scrutiny of Scottish Government's handling of the pandemic. I do not have notes of this meeting.

82. At its meeting on 15 October, the Parliamentary Bureau discussions covered three issues: announcements by the Scottish Government; options for enhanced scrutiny of COVID-19 related business, and the structure of the parliamentary week (**KM/095-INQ000329273** informed these discussions and includes the text of the PO's email to BMs referenced in the BBC article). The Bureau noted that, wherever possible, announcements should be made to the Parliament in the first instance to enable Members to scrutinise the decisions taken by the Scottish Government and that I would continue to discuss the transparency and consistency of approach in relation to the mechanisms used for Scottish Government announcements with the Minister for Parliamentary Business and Veterans. In relation to scrutiny, the Bureau recognised the importance of striking a balance between the appropriate opportunities for the Parliament to both inform and scrutinise Scottish Government decisions and the necessity for the Scottish Government to take emergency actions. The role of committees in relation to scrutiny was also recognised and it was agreed that any options for enhanced scrutiny should be informed by the views of the most relevant committees. The Bureau agreed that a note would be circulated to Business Managers to inform consultation with their groups, and to the Conveners of the COVID-19 Committee, the Delegated Powers and Law Reform Committee and the Health and Sport Committee with further discussion of scrutiny options to take place at a future meeting.
83. Responses to the consultation were considered by the Bureau at its meeting on 27 October. The responses included views gathered by business managers from each of their groups as well as from the most relevant committees and some individual responses from Members. The Bureau agreed to consider the matter further at a future meeting. The issue of scrutiny was also raised when the Scottish Government's Strategic Framework was debated by the Parliament on 27 October 2020 (**KM/021-INQ000329241**).
84. On 3 November, the Bureau considered all responses to its consultation (**KM/101-INQ000329278**) and agreed to commission officials to work with Scottish Government counterparts to develop detailed proposals of how the responses and suggestions might operate in practice and to report back. As noted in the minutes of this meeting

(**KM/022-INQ000329152**), I asked the Minister for Parliamentary Business and Veterans to emphasise to Ministerial colleagues the importance of all significant Government announcements being made to the Parliament. The Bureau also noted that:

- from Tuesday 10 November 2020, the Scottish Government would make a weekly Ministerial Statement to update the Parliament on Covid-19-related regulations and policy change
- a proposal to provide greater flexibility for the provision of information to the Parliament via Government Inspired Questions was under consideration.

85. A verbal update was provided to the Bureau by officials on 10 November in respect of work being undertaken with the Scottish Government. The Bureau noted that a paper setting out proposals for enhanced scrutiny would be considered at its next meeting.

86. On 17 November, the Bureau considered proposals for a range of measures to support enhanced scrutiny (**KM/107-INQ000329282**). These measures provided that:

- a ministerial statement would be made each Tuesday setting out what, if any, changes are proposed where the “clinical advice and other evidence indicates the need to make a change to the Strategic Framework”.
- if any changes to regulations are proposed the normal expectation would be for regulations to be finalised on a Thursday and implemented on a Friday affording the Parliament an opportunity to scrutinise the Scottish Government’s proposals before they are finalised.
- an opportunity be provided for further scrutiny prior to any regulations being finalised. Such scrutiny would be undertaken by a committee or in exceptional circumstances in plenary session on a Thursday when very significant regulatory changes were in prospect.
- the COVID-19 Committee would move to a Thursday meeting slot in order to enable these measures to work.
- confirmation of any regulations being made on Thursday would be confirmed by means of a GIQ.
- additional flexibility would be provided to enable the lodging of GIQs outwith normal Chamber Desk operating times.
- when moving motions to approve SSIs, a short statement would be made by the Minister to confirm the policy contained in the regulations that Parliament was being asked to approve, providing additional clarity for Members, the

public and other stakeholders as to the decisions that are being taken and to help clarify the distinction between restrictions contained in the regulations and more general guidance.

87. The Bureau agreed that these measures should be trialled until the Christmas recess. The Bureau reviewed the trial of these measures at its meeting on 15 December and agreed that they should be continued to the end of the Session.
88. During the period when matters relating to enhanced scrutiny were being considered by the Bureau, the events reported in the Daily Record article took place. As set out in that article, I wrote to the Cabinet Secretary to express concerns about scrutiny proposals being outlined to a committee given that a Parliament-led initiative on enhanced scrutiny was underway and would return to the Bureau for consideration. The work that was being undertaken was responding to the concerns that had been identified by a number of Members, as reflected above.

E. KEY CHALLENGES AND LESSONS LEARNED

89. As a former Presiding Officer, I am grateful for the opportunity to offer my reflections on how the Parliament scrutinised policy and legislation during this period, on the measures I considered necessary to ensure the Parliament could continue to provide that oversight, and on the measures since taken forward to implement learning from this experience.
90. I would begin with two overall observations; the first is that the key challenges the parliament faced were not unique to Covid. The tension between executive authority and parliamentary accountability, the critical importance of formal and transparent decision making, and even the potential for fear to be harnessed as a force to shape public opinion or justify policy decisions are all issues which exist, to a greater or lesser extent, in every parliamentary democracy. They were, however, elevated or thrown into sharp relief by the pressures of the pandemic. The second and perhaps more reassuring conclusion, is that, in my opinion, the Parliament did cope with the difficulties it encountered and that it did continue to serve the people of Scotland well throughout this worrying chapter in our lives.

91. From the outset, for example, a key challenge for the Parliament was dealing with the considerable uncertainty about how the pandemic would unfold. In the early period, the Parliament used its emergency procedures to approve powers that would enable the Scottish Government to respond to the civil emergency that confronted us. There was unanimous agreement about the need to grant extensive powers to the executive. The prevailing mood was that the Parliament stood ready to assist. However, the Parliament always sought to ensure that the granting of powers was not done without appropriate scrutiny. An illustration of this was the intense level of engagement by MSPs of all parties in proposing detailed and substantive amendments to the Coronavirus (Scotland) Bill and the Coronavirus (Scotland) (No.2) Bill, in spite of the extremely limited time available to consider these Bills.
92. Those early decisions and the circumstances of the pandemic inevitably elevated the role of the executive. Scientific advice and clinical guidance were rightly given priority and, as a consequence, the contribution of parliamentarians in influencing decision-making was less than perhaps would normally be the case, leading to some frustration from elected members. As the scale and duration of the pandemic became apparent, there were many significant decisions made by the Scottish Government that attracted considerable attention from the public, decisions such as those around the management of care homes. Where the Parliament did insist on continuing to maintain its crucial responsibilities, was in making sure that such decisions were subject to scrutiny and that the significant concerns of the people of Scotland were given the opportunity to be aired by their elected representatives. I believe that the Parliament fulfilled that role.
93. There were various moments throughout the pandemic for example, and which I have referred to in my submission, where I considered it imperative for the Parliament to reassert its authority in holding Ministers to account for the very significant decisions that they were taking, often necessarily, with some urgency. I felt strongly that the processes we developed to enhance scrutiny should be Parliament-led, should be formal and transparent, and should be shaped by all members in a way that also recognised the significant role of committee scrutiny. I want to emphasise here that Ministers are, of course, also parliamentarians, and my experience was that they were respectful of the Parliament and willing to work together to ensure appropriate scrutiny.
94. The balance between executive authority and parliamentary accountability is a constant issue in a parliamentary democracy. In the extraordinary circumstances of the

pandemic, with its high level of uncertainty and public concern and its need for strong and sometimes urgent executive action, there was at times strain on this balance. Scrutiny processes developed over time as the circumstances of the pandemic evolved. But I believe that the actions described in this statement that the Parliament took ultimately maintained this balance. For example, I consider that the protocol we developed and implemented in relation to Ministerial Statements and scrutiny of proposed changes to the Strategic Framework before they were implemented was an improvement on the way business was programmed in the early part of the pandemic. The establishment of a COVID-19 Committee from 21 April 2020 also bolstered our approach to scrutiny and enabled the Parliament to innovate in its public engagement, including through the virtual Citizens Panel that it sponsored.

95. The pandemic was also a catalyst for the Parliament to develop and evolve our capabilities for supporting virtual proceedings. Inevitably, virtual participation hinders the ability of Members to gauge the mood of a room and changes the dynamics of scrutiny. The limited numbers of Members who were able to be present in the Chamber in person at different stages of the pandemic, and the absence of the public from the gallery, undoubtedly had an impact on debate and interaction. However, systems for virtual participation were developed at pace from the start of the pandemic and were hugely beneficial in allowing the Parliament to continue to function with all Members able to participate even though in-person numbers in the Chamber were limited. These systems will continue to evolve further to meet the needs of the Parliament and to ensure that it is able to effectively hold the Scottish Government to account in any future civil emergencies. Should those occur, I am confident that Parliament will also remain conscious that it needs to provide a forum for debate and not just for votes and other procedural transactions.
96. Following the experience of the Covid pandemic, it is not difficult to envisage another public panic or crisis situation in which elected members and the public unanimously agree on the need to grant emergency powers to the executive and to suspend hard won parliamentary rights. But such decisions are relatively easy to agree to and potentially difficult to reverse. Shortcuts, such as direct access to Ministers to gain information on behalf of constituents, are superficially attractive but are neither as reliable nor as transparent as formal, tried and tested, parliamentary processes. Parliament itself needs to be a place where debate and discussion take place and not simply one which reacts to executive decision making.

97. We emerged from lockdown and the other restrictions imposed as a result of Covid, with the checks and balances of government still in place, where Ministers recognised the importance of parliamentary accountability and Parliament itself was able to reflect the needs and concerns of the people it represents. We are rightly proud to live in a long-established democracy, where we abide by the rule of law and our rights are protected. It is also true, however, that the pandemic has revealed how quickly our assumptions can be challenged, the potential fragility of our democratic systems, and how vulnerable those rights are.

F. DOCUMENTS

98. Please see the exhibits and documents I have provided in the attached index of supporting information.

Statement of truth

I declare that the contents of this statement are true and accurate to the best of my knowledge and belief.

Personal Data

17-11-23

Ken Macintosh
Presiding Officer (2016-2021)
Scottish Parliament

Date