



The Scottish Parliament  
Pàrlamaid na h-Alba

**The Presiding Officer**  
**Rt Hon Ken Macintosh MSP**

Bruce Crawford MSP  
Convener  
Finance and Constitution Committee

By email

8 February 2021

Dear Bruce

Thank you for your letter of 8 December in which you set out why the Parliament's scrutiny role needs to evolve to address the impact of Brexit on devolution. I am aware that this issue was also raised, specifically in terms of capacity, expertise and resourcing, at the recent committee scrutiny session of the SPCB budget bid for 21/22.

As outlined in my covering letter to the SPCB budget bid, and in Liam McArthur's opening remarks, we recognise that Brexit related scrutiny is a significant area of work for Parliament which will continue into session 6. The combined effect of the novelty, complexity, volume and the contested nature of the additional scrutiny work will place ongoing demands on Parliament staff in supporting individual Members and Committees.

This has been a specific area of additional staffing investment by SPCB over the last 3 years, in addition to ongoing development of the existing SPICe, committee and legal staff skills and knowledge, as expected when the Parliament needs to scrutinise new powers and/or subject matters.

We have also continued to invest in the SPICe academic engagement programme and committee advisors, to extend the specialist support and expertise available to Members. This offers a degree of operational flexibility and a prudent approach, to access deep specialist knowledge or to support specific pressure points in committee workload.

It is important to note that negotiations with the Scottish Government, in relation to finding practicable solutions to the challenges created by the complex overlay of Scottish and UK Brexit legislation, have resulted in policies and process that have put the Parliament in a better position to scrutinise and influence public policy in the post-Brexit environment.

## Budget bid 21/22

Unfortunately, the Brexit process and the subsequent future relationship negotiations have, as you will appreciate, followed a convoluted path which has meant a great deal of uncertainty about timescales and outcomes. We have retained additional Brexit-related support [over and above existing capacity] to deal with the ongoing and anticipated scrutiny demands of the post-transition period.

The approach we have adopted to date has supported committees and enabled some operational flexibility until we can better determine what is required, over how long and in what nature and shape. This can start to be identified better now. We have retained excellent external links and networks at official level to inform this and I would expect our senior staff to work alongside the committees to understand their needs and to plan for this operationally. The Parliament's Constitutional Issues Board will continue to monitor resourcing requirements in the light of the evolving constitutional framework and changes to the operation of the devolution settlement.

Turning to the current resourcing of Brexit related scrutiny this is largely supported by three business areas comprising SPICe, Committee Office and Legal Services. Together this is 120 permanent staff at an investment of £8,323k of budgeted cost in 21/22 on scrutiny support to Committees and Chamber with a range of core research and policy skills across a wide range of subject matter topics many of which have been, and will continue to be relevant to Brexit scrutiny.

We also conducted a further review of additional BREXIT-related resources over summer 2020, which resulted in a recommendation that the additional contracts for Brexit -related staff be extended for a further two years (with an interim review after one year). This comprises an additional 13 posts across the teams noted above, to supplement existing capacity and expertise, in a mix of temporary and permanent roles, at a resource cost of £828k in 21/22 (£407k included in the permanent staff numbers and costs above). Please see Annex A for details.

In addition, the SPCB constantly reprioritises within its resources to meet the changing demands of Parliament across the year and has additional flexibility within contingency to meet new operational pressures. This is financially prudent and offers flexibility to respond to emerging legislative and scrutiny demands whilst we plan for longer term investment.

## Planning and budgeting over session 6

As you note it is likely that Parliament, as with much of the public sector, will experience a tighter fiscal environment in session 6. There are a range of issues vying for investment and the SPCB will need to prioritise these in a way which best addresses Parliament's needs and offers best value to the public purse.

It is our intention to review staffing resources, especially across the scrutiny areas, to better inform a more robust and sustainable staffing baseline for 22/23 onwards. This will seek to address temporary posts and consider how we staff to a realistic level at the right capacity and skill sets to meet Parliamentary requirements.

As noted above, we are developing a better understanding of the longer-term nature of the scrutiny challenges we are facing as a Parliament, in relation to BREXIT and other issues, and will reflect this in our review. This will take into account the post-Brexit landscape including the impact of changes to the operation of the devolution settlement, primarily due to the impact of the UK Internal Market Act, the keeping pace power and the development and implementation of common frameworks.

I hope this is helpful and the findings from your own survey of the committees in relation to Brexit scrutiny support will be most helpful to our senior officials in considering staffing capacity as we plan for session 6. The SPCB is happy to take on board further feedback and evidence as necessary as it establishes its session 6 strategy and resourcing plans.

Yours sincerely

A handwritten signature in blue ink that reads "Ken Macintosh". The signature is written in a cursive, slightly slanted style.

**Rt Hon Ken Macintosh MSP**  
Presiding Officer

## Annex A

The following additional Brexit resources are in place:

<u>Spice</u>	<u>3 x Researchers</u>	<u>Temporary</u>
Spice	1 x Enquiries Officer	Temporary
Legal	1 x Team Leader	Permanent
Legal	2 x Solicitors	Permanent
Legal	1 x Administrator	Temporary
Legal	1 x Assistant Solicitor	Temporary
Committee	1 x Assistant Clerk	Permanent
Committee	1 x Assistant Clerk	Temporary
Committee	1 x Committee Assistant	Temporary
Media	1 x Media Officer	Permanent

*The original posts to support Brexit agreed in 2017 have evolved slightly. The legal team originally employed 2 G3 researchers for 2 years and have now moved to an administrator and legal trainee.*