

In conversation: Ken MacIntosh, presiding officer of the Scottish Parliament – Transcript

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Professor Sir Anton Muscatelli, Principal of Glasgow University:

Hello everyone and welcome to our latest Policy Scotland event. In many respects, as you say Des, our guest tonight requires very little by way of introduction especially to those of you with a keen interest in the Scottish Parliament and First Minister's Questions. As Presiding Officer at Holyrood since 2016, the right Honourable Ken MacIntosh MSP is familiar as the man in the middle, the politically impartial enforcer charged with chairing Chamber debates and keeping order during what are often fiery exchanges at First Minister's Questions. But, as I'm sure you will hear tonight, the remit of the Presiding Officer extends far beyond the Debating Chamber because Ken is responsible for representing the Parliament both here in Scotland and indeed beyond Scotland. He also chairs Holyrood's business bureau and corporate body which has perhaps made more headlines recently than at any point since the Parliament was reconvened in 1999.

Ken was a member of that original class of MSPs. Elected to represent the Eastwood constituency he held that seat at the three subsequent elections and he served as a ministerial aid to Jack McConnell when he was in Bute House. Ken was then appointed to a variety of shadow ministerial briefs including schools and skills, culture and external affairs, education, finance, social justice and community and Ken also twice stood for the leadership of the Scottish Labour Party. All this means that he's expertly placed to reflect on two decades of devolution and how the Scottish Parliament and politics have changed and developed over this period and while there's no doubt that Holyrood has cemented itself as a central component of Scottish political social and economic life, how and whether its procedures could be further refined I think remains a real source of much debate. Few have had a better vantage point to observe the workings of Parliament than Ken himself and I really look forward to his valedictory reflections on Parliament as it is and how it should be, and more broadly.

As one of Scotland's most experienced and respected politicians Ken is well placed to survey the political landscape as we approach the Scottish elections in six weeks' time and, like Ken, other members of that original class of 1999 such as Roseanna Cunningham, Elaine Smith, Bruce Crawford, Johann Lamont, Lewis Macdonald and Alex Neil are all standing down in May. Other MSPs from Ruth Davidson to Jeane Freeman, Jenny Marra and Adam Tomkins are also exiting the Holyrood fray so there's a huge amount of change and this election represents a bit of the changing of the guard, so I'm sure you'll be interested in Ken's take on the challenges ahead as a new generation of politicians prepares to take up the baton. This promises to be a thought-provoking and lively session and at an extremely busy time with Parliament so we're really grateful that Ken has found time in his diary to be with us tonight: this is one of those weeks in Parliament. Despite the often antagonistic nature of Scottish politics, Ken is recognised across the political spectrum as an accomplished, articulate and really thoughtful parliamentarian. Albeit virtually, we're really delighted to welcome him to the

University this evening. I'd like to thank colleagues at Policy Scotland for organising this event which our own Des McNulty, another of that 1999 intake of MSPs will chair. Over to you Des.

Des McNulty: Thanks very much Anton. As Anton has indicated, there is a huge range of activity involved in being Presiding Officer. Can you maybe start by telling us what parts of the job you enjoy most and what you think the Presiding Officer *can* do in that role?

Ken MacIntosh: Thanks very much Des, and to you, Anton, for these kind introductory remarks. Can just also congratulate you on your impeccable timing? Key to my position is being impartial and given that we've got a vote of 'no confidence' in the First Minister tomorrow morning I think you'll be testing my impartiality to the limits tonight with some of the questions you'll be putting to me! But, yeah, perhaps I could just start, Des, on being Presiding Officer, on the role. It's quite easy to tell you which parts to dislike most of all, if I may put it that way, and that is not being able to speak my mind. I mean, I don't think anybody becomes a Parliamentarian or goes into Parliament to become Presiding Officer; you go in to change things, to speak up for people, to make a difference, and the role of Presiding Officer is totally different. You're there to protect the Parliament, to stand up for the Parliament but then that aspect is the bit that I like most of all about the role. When I was a young politician, when I was a young man and was a student at university, I joined the Labour Party. It was a long time after that that I put my name forward, because of devolution, because of the promise that the Scottish Parliament gave for a new form of politics.

Des: Sorry Ken, you've gone mute!

Ken: Oh, wonder how that happened; we're so we're so used to technology now and my hands are nowhere near the buttons I can assure you! So, yeah, it was the Scottish Parliament that prompted me to go from being a member of a political party to standing as a candidate myself. My belief in the Parliament and in the principles on which it was founded is deep-rooted, and as Presiding Officer that's what I tried to be, to put myself forward as Presiding Officer, that you can stand up, be a champion for the Parliament and make sure that it's still true to those principles of access, of a more collegiate way of working, of sharing power with the people of Scotland. I think these are really - promoting equality - these are really important principles to which I'm sure we'll return. But just on my role, on the role of the PO, it's the first vote - just to let you know the practicalities of it - it is the first vote that MSPs take when they're elected. So, after the election coming up on the 6th of May, the very first thing that MSPs will do after they're sworn in is elect a new Presiding Officer, and it's the only secret ballot in the Parliament so in theory that means that no-one knows how you vote and in theory it's slightly less open to influence from the party whip. So, I'm not going to pretend the party whips won't try to exert influence as they always do but it definitely creates a bond of trust. You're elected by your peers and the first thing you do is you leave your political party if you're successful so there's a trust, a bond of trust, from that point on between your MSPs and you. They are asking you to preside over the Chamber in an impartial way and that's very important.

The most high-profile part of that, as everyone will know, is First Minister's Questions every week but First Minister's Questions is actually really quite a unique part of the week and it's not really like any of the other Parliamentary exchanges, either like committees or even like any of the other debates. It is particularly robust, particularly combative, and untypical of the other parts of my role, even the way you preside over it. Most MSPs most of the time are, they're not just pleasant to each other, they're actually quite amicable, you know, they get on very well, they're always trying to reach agreement. Most of politics is about trying to reach agreements, about persuasion, and trying to work out where you agree, and you can get things done. First Minister's Questions is far more adversarial and it's more of a political theatre as much as anything else and so that's a bit of a

challenge for the chair because people's expectations of the way you behave and the way the members behave are different at FMQs than the rest of the week. FMQs is important; it's an important chance for the public to see and to be engaged in the political process but it is just one aspect and I have many other roles. Probably the most important other ones in a practical sense are chairing two of the bodies that run the Parliament. One is the Bureau, the Political Bureau which decides the business and the other is the Corporate Body - the SPCB.

I should point out that the Parliament is founded on the principle of transparency, -you should always be able to follow what's going on, see the meetings, observe them, listen in. The Bureau and the Corporate Body are the only two which are not directly accessible - they're transparent in the sense that their minutes are published, their agendas published, and so on- but they're not televised live. The Bureau is the body on which every political party with five members or more has a representative. It just so happens that in this Parliament, all the parties have five members or more - the Greens, Liberals, Labour, Conservative and SNP - so their business manager sits on the bureau which I chair, and the votes are weighted so that means that the SNP as the largest party have, roughly 60 votes, a bit more than 60 votes, and the Greens have five, the Liberals have five, and so on. And that means that, although we rarely, when we're discussing matters, have to divide, everybody knows that if it does come to a division, a vote, that the Government would only need one other party to get its business agreed whereas all the other opposition parties would have to come together to change business. So that's the one of the dynamics in the business but, I'll be honest, we rarely fail to agree; very, very rarely do not agree. And what happens is that the Bureau discuss what the business program should be; the Government's got the mandate; they present, through me, they present to the Bureau a proposed program for the next three weeks and then we discuss with all the business managers whether that's agreed and whether there should be additional statements, whether the time is long enough for each of the items and so on. And then on behalf of the Bureau the business, one of the business managers, usually the Minister for Parliamentary Business, presents that to the Chamber and we vote on it so the Parliament itself votes on the business. So that's how we decide what the agenda, what the political agenda, is going to be in the sense of what we're going to debate. So, a very important committee, one of the most important committees, which doesn't get much profile but is crucial in deciding what's debated in the Parliament.

The other body is the Corporate Body. That's like the 'board' of the Parliament, again which I chair. It also has representatives of each of the political parties but they're not weighted votes and they're not there to represent their parties. It's not a party-political committee at all. I mean everything in the Parliament is political just by its nature but the SPCB - the Corporate Body - it behaves in a far less partisan manner. And we'll decide all sorts of matters from the catering times or the cost of a cup of coffee in the in the tea bar, to how much allowances MSPs should get for the next session. We spent a lot of time on things like - we had campers putting their tents outside the Parliamentary estate for the best part of the first year I was Presiding Officer, which took up an inordinate amount of time as we decided how we could remove them peacefully, while still protecting democracy. So, we have a number of roles. We also spend time on things like whether we should fly the EU flag - you know these things are, as you might imagine, quite political - but we approach them in a very collegiate and parliamentary manner. It's a great, actually it's a great body to sit on.

Other roles I have, well, one of the roles that you won't see is that I decide on, or make a decision on, the legislative competence of any Bill. So, any Bill proposal that comes to the Parliament, I will make a statement to the Parliament about whether or not the proposal is competent. Now that responsibility is quite widely misunderstood. In reaching a decision, we've got a team of lawyers who

work for the Parliament and who spend an awful lot of time looking over proposals and I take a lot of advice in these matters but making a decision on on any Bill or proposed Bill does not mean it can't continue, it's not a veto. A very good example of that, a very high profile example of that, was the Continuity Bill earlier in the session which I took a view - I've taken a view on several Bills that are not within competence but they tend to be Private Members' Bills, for example there was a Bill on corporate manslaughter, another one on double parking and so on, in which one of the proposals was not competent but these tend to be less controversial, and do not attract much attention - but clearly the Continuity was a very, very high profile Bill and very sensitive issue. But the Parliament continued. I said it, it's a ruled or gave a declaration that it might not be within our competence, but the Parliament continued as it has absolutely every right to, and then it proceeded though Parliament and then after Parliament it was taken to court by the Advocate General and in fact it was struck down by the court at that stage. So, these processes are quite important and again they don't get much attention, usually they only get attention when they go wrong or when they become mired in in party politics. And, as Anton said earlier, I also represent the Parliament home and abroad, so I'll be honest, one of the most pleasant aspects of the job, I welcome visitors - you know, President Higgins from Ireland was one of my first visitors, a fantastic orator, a real privilege to welcome him - but all sorts of visitors to the Parliament from all around the globe and from within the UK and similarly I represent the Parliament there. One of the most interesting developments over my time in office and I think which will be increasingly important over the next few years, and again we might return to this in question and answers, is the inter-Parliamentary cooperation which is now absolutely a necessity of Parliamentary operations.

You'll know Des, that when the Devolved Settlement was first agreed it was it was a fairly black and white affair in the sense that everything was devolved except those issues which were held back, and it was a fairly clear-cut, the economy was reserved, foreign affairs and so on, and it was quite clear which side of the reserved/devolved line everything lay. There have been subsequently two tranches of devolution and then the Brexit Bill and what we have now is areas of joint competence, such as taxation, social security, agriculture, so many, and what we're discovering with this is the need for common frameworks and what that, in turn, leads to, is the need for greater inter-Parliamentary cooperation so all Governments are accountable to their Parliament. So, the Scottish Government is accountable to the Scottish Parliament, the UK Government accountable to Westminster and that means that inter-Governmental relations are already well established. But there was not much inter-Parliamentary communication and relations and that's something that's really developed certainly over my time in office and something I put a huge amount of emphasis into, and in fact as you might imagine we have so much in common with the Northern Ireland Assembly now that it is sitting again, with our Welsh colleagues in the Senedd, and with Westminster. So that's been a major development under my time as Presiding Officer. And, you know, there's other aspects there. One of the more interesting ones is that have I have an audience with the Queen every year - which is, which is not me with a mike trying to entertain the Queen by the way - it's actually me discussing Parliamentary political affairs with her.

And then there's other roles that again you might not know, the Parliament has its own think tank, it's called the Futures Forum, Scotland's Futures Forum and I chair that. So, Scotland's Futures Forum is a chance for MSPs to come together in in a forum that's outwith the normal electoral cycle. The difficulty, as you might imagine with elections every either four years or now every five years, is that there's always a manifesto, there are always commitments, and there are always positions to take and it can be quite difficult to think of issues without immediately dropping into party positions on these issues. And if you think of the of the big issues facing us, whether it be, environment, or dementia, or just some of the long-term issues that we need to tackle, these go way beyond the four

or five years' election cycle and the Futures Forum is really good for allowing MSPs to come together to engage in blue sky thinking or just a way to discuss matters without falling out about it and been very, very productive although it's always difficult for members - you're always trying to make demands on members' time, they just don't have enough time to go around - but it has proved to be a really interesting organisation that brings together the universities - we have so much input from the University of Glasgow into the Forum - and it produces some really good papers, , and some interesting ideas. Des, I'll probably stop there because like most politicians I could talk forever about my job, but I know that you probably want to ask questions so, and I've given the introduction to the role of PO and we can take it from there if that's okay?

Des: That's great Ken. You have given us a fantastic overview of the role and I recognise so much of it over the period. You did mention as you're going through that in 1999 there was a strong commitment to greater accessibility to political decision-making and making many more opportunities available for civil society to participate in the legislative and deliberative process. Do you think that promise has been achieved? Do you think the Parliament has actually delivered on those commitments and how has that evolved through time?

Ken: Yes, well, it certainly did to begin with. There's absolutely no doubt that we were at the forefront of this whole development back in '99 and I still remember to this day the expressions from all around the country from different, community groups, business leaders, trades unions, that they had access to the decision-makers at long last and how welcome this was. And, as you'll know, the petitions program, the petitions system we introduced in the Parliament was the first anywhere in the UK and so we're very, very much at the forefront of all of this. And then, what happened? Well, it's difficult to describe exactly but what we discovered, and this is something that I - certainly my predecessor actually Trisha Marwick did too and then I picked up, took up the cudgels after she left - was that you have to refresh, you have to constantly reinvent these processes otherwise they either go stale or they get taken for granted. What we discovered is that Westminster for example, came up looked at our system and thought 'yeah, this is a great idea'. They introduced a system where if you get 100,000 votes you can have a guaranteed debate in Westminster Hall, bringing in innovations at Westminster, that almost leapfrogged the Scottish Parliament.

So, one of the things that I was very keen to do when I came in was to reform and refresh the Parliament. I don't want to go back to first principle, I don't want to reinvent the principles on which were founded but I did want to refocus them to make sure we hadn't lost our way and we'd remembered what we're all about. And I was very gratified that one of the most important sets of reforms came out of the consultation process. So just to refresh your memory, I set up an Independent Commission on Parliamentary Reform, John McCormick very kindly agreed to chair it and it had representatives of the political parties but a majority of representatives from outside Parliament - again reflecting that relationship, that we should be sharing power with the people of Scotland, it's not for us to dictate to people of Scotland. I came up with a series of reforms, some of the most important of which, and certainly in terms of the financial investment of the Parliament, the most important investment, was in the engagement, the committee engagement unit, the new forms of participation that we've put in place, citizens' juries, other, all sorts of forms of engaging with communities all around Scotland.

It's happened, in fact, at a time when we're not the only ones doing this, I think a lot of people's eyes were drawn to Ireland and the very prominent success of citizens' assemblies in helping the process of changing the laws on abortion in Ireland and, such a difficult tricky subject, that was made, not made easier, but certainly it was, it was, the public were engaged in it, it wasn't imposed on them. And the Scottish Government set up a very similar system here which has just deliberated, and so

you can see that we're not the only body looking at these matters, but I was very encouraged by these whole new ways of doing things and we've got a number of electronic ways too now. The one - not the one upside - but a very big upside from the pandemic is it has entirely transformed the way we conduct our business in terms of virtual working and that has had huge benefits in terms of accessing remote communities and so on. So, it's difficult to track what happened between '99 and the current day but I am certainly encouraged that we're back, we're back again with this idea to the forefront that we constantly need to engage, that we're not the font of all wisdom, that quite the reverse, we are a representative democracy that's trying to practice participative democracy and we need to work on it.

Des: I think that's a great answer - the idea of evolutionary process and trying to learn as you go. Finding new ways of doing things I think is really important. Just going back over the history of the Parliament, obviously the first two governments were Labour / Liberal Democrat coalitions and since then you've had three periods of SNP government, two minorities and one majority SNP government. Has the SNP being in power made a difference? Have they got a different style compared with what went before and how do you see that evolution in who's in Government affecting the way in which the Parliament works?

Ken: Well, a great question because I can tell you that each session of Parliament has had its own distinct identity, very clear identity, and the identity reflects the political makeup of the Parliament. As simple as that. So again - Des, you'll remember - that the first two sessions were both were both coalitions, formal coalitions, between the Labour and the Liberal Democrat groups. And, in some ways they were actually majority governments because there was a formal coalition, they had a guaranteed - well, guaranteed if the Liberal Democrats always voted with Labour which didn't always happen - but I recall that the Liberal Democrats didn't always vote with the Liberal Democrats so that may have been the issue ... I might be being political here at this point!

Des: It's true, it's true

Ken: It's historical so... but the first two sessions were coalition governments but even then, the second Parliament, that was the Rainbow Parliament where we had six parties, so Labour's numbers went down in that Parliament. The coalition still dominated but because the opposition were more diverse, we had the huge numbers of Scottish Socialists and plus the rise of the Greens at that point, so the Rainbow Parliament had a different character to the first one, even though it was a coalition. I still think that the most important moment in the maturity of the Parliament as it were, was the formation, the successful formation of a minority government in 2007 by the SNP under Alex Salmond. I think switching from a government that was also in power in Westminster to another party, and to a minority administration at that - because I mean that could have just fallen apart, could have not survived the four years, it could have fallen at the first hurdle - but what that Government proved is that a) you can govern with a minority and that that actually the way to do it is, essentially, if you get your Budget Bill through then everything else falls into place - it's quite interesting that, there's a real lesson - and we knew ongoing the political dynamics of how it would work but it was it was a really important development for me in the evolution of the Parliament. Then we had a majority SNP Government. Now I think it's fair to say that that tested the checks and balances of the Parliament itself. The Parliament was designed on a voting system and with all sorts of systems in place that were based on the assumption that no party would ever have a majority, and yet here we had an absolute majority. It undoubtedly could have led to all sorts of difficulties for the Parliament itself as an institution. What happened was when the second SNP Government came in, they recognised this right away and so, for example, they didn't impose their convenorship on every committee, which they could have done, and, you know, they could have taken a majority on

every single committee and just dominated everything and that didn't happen. So that was, I think, probably wise politically but it definitely challenged the systems, the checks and balances within the system, and now we've got a minority but a very large minority.

Each one of these Parliaments has had quite a different character but, if I may say so, the bigger dynamics in Parliament has been really outside that. I think that the Parliament itself has shown itself able to adapt to each of this different electoral arithmetic and when required, it has adapted to each situation - the move to virtual working alone in this session is one of them - but perhaps more important over the big picture have been a number of other factors. So, for example the key to the first two sessions was the growth of the economy and the growth of public spending so we were living through times when we could introduce free bus passes, free personal care for the elderly, you know, it was a growing time, a huge expansion in public services, investment in education, in the NHS, which I have no doubt helped establish the Scottish Parliament as a successful institution because people could see what it was delivering.

A much more difficult time since the crash of 2007-2008, you know, austerity economics and just cuts in public services has meant a different agenda and that has, I think, shaped the political agenda more than the Parliament itself or its procedures. And then on top of that there have been other factors externally - the Brexit referendum, the pandemic, the Me-Too movement, other things like the rise of populism, the rise of nationalism globally - I mean big issues which you can see not just in this country but afar. They've really also shaped the agenda so it's probably fair to say that they've been more important than just internal processes because the Parliament itself is quite a flexible institution and has matured and, I hope, responded to developments.

Des: Can I maybe pursue you a bit on the maturity issue? So, some of the innovations that you talked about, one example might be the introduction of financial scrutiny, happened quite early on in the Parliament. If you go back to the 2007-2011 SNP Minority Government, there was actually relatively little legislation during that period because the Government didn't have the votes to ensure they could control the legislative process which led to some very interesting results like the 2009 Climate Change Act which ended up significantly different from the Bill that was introduced. Have we improved our understanding of what the Parliament is for and do you think there's been a learning process by the Parliamentarians themselves about how to use the instruments that they've got at their disposal? Do you get a sense that the institution and those people in it have got a more mature understanding than they had in the earlier period?

Ken: I'll be honest Des, it changes, and it changes all the time. One of my biggest regrets, and one of the things we tried to address in the Commission for Parliamentary Reform, was how to hold on to experienced parliamentarians, people who'd served as, perhaps served as ministers, and moved to the back benches. Most leave, you know, very rarely do people stay on. At Westminster you can go on, you can become - it's a much bigger institution, there's more space - you can become chair of a select committee or you can be an independent robust voice in the back benches. In the Scottish Parliament - I mean, the list that Anton read out earlier, the people that are leaving, you know, people like, you know, Alex Neil and or people like Adam Tomkins, you know, Johann Lamont, Lamont (so many people mispronounce her name that affects me! Johann *Lamont* is her name, not Norman *Lamont*!) - yeah, we find it difficult to hold on to people with that experience and that ability to, the institutional memory almost, of earlier sessions, and how to use parliamentary procedures to their advantage. But then again, the fresh intake learns very quickly how to use it. So, although there's a downside, there's also a big upside - refreshing the Parliament is so important. This particular intake we had you know 50, 51 new or returned MSPs, it made such a difference. It was almost like '99 again with this whole new fresh intake with people with energy, enthusiasm,

determination, drive, you know, and it, and it really did shake up the Parliament in a really, really positive way and, you know, most of them learned really quickly how to use the Parliament to good effect.

Good politicians, good parliamentarians work with what's in front of them, they work with the tools that are there - if they're frustrated by one thing, they'll learn others. One of the big changes I've tried to introduce is to give parliamentary MSPs more opportunity to speak. There were times when I was an MSP as a backbencher or a front bench or whatever else that I was very frustrated by the inability to get the chance to stand up in the Chamber and ask a question or make a contribution, because the business was governed by the timetable. As you know, we have a family-friendly Parliament - decision time is at five and everything's time limited because of that - which is a real plus, but it means that trying to get your slots could be difficult. One of the major aspects of reform I've introduced is so many more question opportunities that members, if they have a topical and interesting and urgent pressing issue, will have an opportunity every single week - usually every single day - but every single week they'll have an opportunity to make that point and I make sure that's the case. So, people learn how to use the procedures that are there in front of them. I wish we could hold on to parliamentarians more and there's no easy way to do this - it's not a big parliament - so I think that's something for the future. I would also point out that one of the early hopes of the first Parliament was that it would usher in a new form of collegiate politics, more cross-party politics. We still have the hemispheric chamber, we have small committees with a more collegiate way of working, but people vote down party lines and parties get things done, you know. Parties are aggregations of interest that get things done, they are the vehicles in which politics is run so I've got nothing against parties, but they dominate, they absolutely dominate, the Scottish Parliament. The hope that we would have slightly more independent-minded people has really been pushed out by that. But that's just, that is just a reflection of the world in which we live in - if people want to vote for independent-minded people they can do so, but they tend to vote for parties and therefore we get a party-dominated system.

Des: There's been the recent controversy about the handling of complaints about the former First Minister Alex Salmond. I won't ask you to talk explicitly about that but let me ask you about the concerns that have been raised about the effectiveness of members of Parliament in these circumstances to hold Government to account. You've had a lot of people in the press, David Davis MP most recently, raising concerns about whether the Scottish Parliament is suffering from a deficit of power in relation to investigating ministers. Perhaps you've got some thoughts about that from your position being very close to it?

Ken: Yes, as you might imagine it is a very sensitive issue and I'm not going to comment on the politics of it. It's been a very challenging inquiry, this Committee into the Scottish Government handling of harassment complaints. Very challenging, very difficult for everybody concerned and I think it's fair to say that nobody has come out of this very well. The women at the heart of it - I've been very unhappy and continue to be unhappy and very distressed by the way their complaints have been dealt with by the institutions - the Government, the Parliament, the Crown Office, the courts. There have been a lot of accusations or charges levelled and some truth in some of them - however I would rebut the view that the Parliament has not been able to exercise its scrutiny function. I think quite the reverse. I think, in fact, it's interesting because the papers today report an interview, I did a few days ago, before the leaks over the weekend, but I stand by the truth of what I was saying - which is that the committee has shown a light on the inner workings of Government. You know I don't think I've ever seen a committee inquiry which has revealed more about the way that Governments reach their decisions, you know, about the meetings that take place and the way

that ministers relate to the civil servants, the way they relate to the special advisers, their 'spads', the way they relate to the Parliament, the way their law officers give them advice, the external legal advice they get, the relationship with the Crown Office, the relationship with the courts. All of this, all of this, has been explored in the utmost detail.

Now there's a lot of frustration around for lots of understandable reasons and there's a huge amount at stake - there's an election in a few weeks' time - and two of the protagonists are the most well-known politicians in Scotland so there's a huge amount of political tension here. So, I'm not surprised there's a lot of frustration, but I would absolutely deny that the Committee has not been able to carry out its scrutiny. The Parliament has used all its powers, using Section 23 powers for the first time ever several times. You might deprecate the use of a vote of no confidence but members when faced with a difficulty used a vote of no confidence to get more information from the Government. The First Minister appeared for eight hours; the former First Minister appeared for six and a half hours before the committee. I defy anybody to name a government around the world which has been brought before its parliament for an eight-hour interrogation. So, I think that the Parliament absolutely has - the fact that it hasn't reached a resolution that is to the satisfaction of all is a different matter that's about the politics of it, well, it's not about the politics but that is a political judgment as it were - but I certainly don't think the Parliament has failed in its function. But it's been a difficult - and I think there will be lessons to be learned. What I would suggest is that in the middle of the of the discussion around the report's findings might not be the best time to just immediately reflect. It might be wise to let tempers cool and perhaps the election to move things on and then we'll reflect on how we can learn from this.

Des: Thanks Ken. One of the interesting issues here is whether the, 'he said, she said' aspects of the inquiry, take away from some of the governance issues such as the role of the civil service and the way in which the complaints procedure was developed, and the case was then handled. Do you think that Parliamentary enquiries are a blunt instrument because people are looking either to defend or attack the politician most closely affected? Or do you think that the committee in this instance, and the committees of the Parliament more generally, are able to wrestle effectively with the mechanics of how the governance issues are actually are actually operating, even in that extenuating context?

Ken: Well, over 22 years I've seen a number of committee inquiries in operation and some of them are formidable and fantastic and produce really good results. Nearly always that's where the members come together collectively - there's something incredibly powerful when you get a cross-party committee of inquiry coming together across all groups - taking evidence from external sources, from whatever body it is and producing a report. At the moment in this current Parliament the mesh survivors, the women who have suffered from the complications of transvaginal mesh have had champions in Neil Findlay, Alex Neil and Jackson Carlaw. Now, three more politically disparate figures you could not get, but they have come together - that's not even within the committee - but it just shows you and there's all sorts of inquiries that have been successful.

However, there are also other committees which have held inquiries which have not been so successful and it's quite interesting that the more quasi-judicial they appear sometimes the more attention or the more the more frustration they attract. So, I remember very vividly the Fingerprint Inquiry and I can tell you I was incredibly disappointed by the Fingerprint Inquiry, incredibly disappointed, and I think that was true on both sides of that particular debate. Just for those who can't remember that was about a policewoman, Shirley McKee - well, it was about murder initially - policewoman Shirley McKee who had been put on trial for perjury for being alleged to have been at the scene of the crime, was acquitted and then the issue was about whether her fingerprint had been found at crime scene and the whole issue of fingerprints was called into question. And as a

result, fingerprint officers who I represented lost their jobs which I thought was disgraceful and the committee of inquiry shone a light on it, but it didn't come to a satisfactory conclusion and, similar to the harassment enquiry, I think that that shows the strengths and the weaknesses. It is not a judicial inquiry so it's not a case where, for example witnesses - they might give evidence an oath, but they're not cross-examined as in a court - it's a political inquiry and people go round and you have maybe a couple of questions each so you don't get to cross-examine witnesses like you might in a court, with they're representatives of political parties so there's nothing to stop any member of that committee expressing a view outwith the committee. But what it does do, the big strength is, that it puts the issue of the day centre stage and it shines a light on it, so it allows all views and I think that is, that is the strength of all Parliaments and the strength of all committees. You take the issue of the day and you are able to discuss it in our national forum and you can hear all views and all views are aired and then in many ways it's up to the public to make up their minds what they think because in this inquiry before us you have heard everything, I think. I mean I know that there are some court orders in place which stop identification of certain people. But most people will be in no doubt about what's been happening generally, and people can come to their own view because they've heard it discussed and they've heard various versions of it. And I think that's where Parliament is at its strongest, just discussing it, literally just discussing the issue and allowing people to put their version of events, their interpretation of events, to give their evidence, and to allow other people to make the conclusion. Sometimes the committee will come to a unanimous conclusion and it will have huge impetus and force; other times it'll just hear the arguments and then it'll be up to the public.

Des: One of the complaints made by MSPs is how unfair journalists can be to them which is something we all had to deal with in the early years of the Parliament – that unfairness is a factor in many people of ability being unprepared to put themselves forward. My personal view is that across the parties there's a lot of talent in the Parliament -capable people who are badly underestimated. Having said that, how can we encourage more able people to put themselves forward. How would you persuade people that putting themselves forward for the Parliament is a good and worthwhile thing to do bearing in mind the journalistic pressure, the time constraints and all the other downsides of being in politics?

Ken: You won't need me to list the many things that put people off going into politics and an antagonistic or aggressive press is just one of them. In Scotland we have quite aggressive press but the alternative of not having a robust press would be worse. You know, to have some sort of timid, supine, lap dog press that just printed whatever we wanted. I mean that would be ridiculous. You want to be challenged and so just put that to one side. I like the press - unless of course I'm the focus of attention at which point I don't like them! But I've tried to do what I can from a Parliamentary perspective to encourage people to come forward because again one of the one of the huge victories of '99 was that we broke the gender barrier. We had this Parliament in which 37 of our intake were women and it totally transformed the look of a modern parliament. Westminster at the time had - I can't remember, did it have 17 women at the time? – something like that that but it was tiny numbers out of 650 and here we were, the second most gender representative parliament in the world at the time.

But if you look at how, again, we've changed over 20 years we have not made progress, you know, all the other parliaments have either overtaken us or certainly caught us up and we've stalled. We haven't made the progress because there are so many barriers to women, to people of colour, to people with disabilities, entering Parliament. It is a difficult and hostile environment for a lot of people and if there are any other factors such as, you know, the misogyny that women experience

every single day on social media and elsewhere that put you off then we need to do something to tackle that. As Presiding Officer, I think the Parliament can do some things, a lot of it is in the hands of the political parties who select their candidates and who should be doing more to encourage a more diverse group of candidates come forward, but I've certainly done what I can. There have been a number of projects, in fact, within the Parliament - Young Women Lead, Scotland Women Stand - which are all about encouraging women to come forward. I had a couple of events for under-represented communities in which we invited them into Parliament, under-represented communities to come in as potential candidates to see what would be like, to make them feel confident, to give an idea of what it would be like being an MSP. I went out to places like Maryhill, just to speak to various ethnic communities, again with a very specific message. And we've also targeted Parliamentary posts - this is for the Parliamentary service, the staff will work at the Parliament - deliberately targeted at advertising in newspapers and other groups so that we could increase our representation ourselves as a Parliament in terms of staff from, again, under-represented groups.

We need to do more because politics is vital- the Parliament I still think is a family-friendly institution, it's still got a lot of the anchors that keep it that way including as I said the decision time at five which keeps the hours centred, we still have Mondays and Fridays protected constituency days - and a lot of these principles are still there but we need to do more than that. We need to, we need to have essentially positive action in certain areas to overcome the barriers that stop people coming forward. Social media alone, we are living in such divisive times and social media is so angry, it's so full of rage and that spills over into the Parliament all the time. Politics are incredibly divisive at the moment, so we absolutely need to have some form of either regulation of social media, or the anonymity of social media needs to be removed because it is unacceptable, and it is absolutely putting people off. Parliament possibly could do more, but I think the political parties and through their regulatory actions could definitely do more

Des: You said at the outset that when you came into post as Presiding Officer that you wanted to shake things up and you took various initiatives including the Commission to look at parliamentary procedures and I think that's actually been very positive development. What advice would you give to your successor, the next person to become Presiding Officer? What do you think that your successor should they be looking at?

Ken: Well, first of all I'm not going to give my successor any advice because I think it would almost certainly be either patronising or condescending to do so and I've no doubt that they will have their own ideas. I would hope that they would come into it with a clear view right from the start. Sometimes you need to you need to start things from day one, you know, a year in is actually too late. Even though it can take a year to grow into the job, by that point people have got your measure as well as you might have theirs, and it can be quite difficult to turn things around at that stage. So, you know, hit the ground running is what I would hope for them, but I won't be telling them that, I'll just be hoping they do that. They'll certainly face some challenges and I hope they continue to push forward with the programs that do include diversity. I hope that they challenge, they do what they can to promote the virtues and the principles in which the Parliament is founded which is this participatory, accessible culture; to continue - even in a world which is dominated by political parties – and continue to support collegiate forms of working.

I think they'll have big decisions about the use of technology. In the pandemic, one of the big changes we made was to become a virtual parliament. And it has a big upside, you have the ability to participate from quite remote locations around Scotland and not just the MSPs but in the communities, you know it's far easier now. All the committee rooms are set up to do this and so it's

almost seen as a normal part of business. Because of that voting numbers have gone up, just terms of the MSPs, you know, and there's no MSPs disenfranchised at any stage. No matter where they are, their community that they represent will have their vote at any stage. But the difficulty with it is that politics is a very interpersonal business and, if you just take the obvious thing of when you're working with a virtual chamber you cannot have interventions or interruptions, you know. So, we work with a hybrid which is, you have your real chamber, and you have your virtual chamber, and they work simultaneously and usually through the Presiding Officer. But it means you can't have interventions. Those in the chamber - the real chamber - can intervene on each other and have a debate, a discussion, take interventions and give them. Those in the virtual format can't because they'd have to come through the Presiding Officer and that's not my role. I can't say 'will you take an intervention from Des McNulty?' you know, that's not my role. So, it loses something by people being remote, you lose... the nature of politics is not just transactional, it's not just about questions and answers, it's about inter-relations, it's about persuasion, it's about the human touch, it's about me meeting, making, friends and colleagues across party lines and making alliances, and little conversations over cups of coffee and so on.

These things so matter to politics and they don't really work on Zoom frankly. So, the new Presiding Officer will have big decisions to make - along with the whole Parliament, it won't just be for the Presiding Officer - about in what circumstances to use the technology. You're not going to un-invent, it, it's been a big boon, but what circumstances can they use it. So, it would be a big advantage to women - this is a point made by several female colleagues who have been stepping down - it would allow them access to the Parliament while managing family or other responsibilities, but would that be the only criteria you would use? You have to work out -for example there have been a lot of votes, a lot of discussion around proxy voting -there's swings and roundabouts with these things - if you have proxy votes you're essentially giving your vote to somebody else, quite often the whips.

Des: Yes.

Ken: That potentially means the party system dominates even more. So, there's there are always downsides when you introduce changes like this. You have to be careful about it but, yes, I think I think there'll be any number of challenges. Can I just also point out that the biggest challenge the new Presiding Officer will face may be something that we don't know yet. When I came in, we had we just had a new tranche of devolution, we had tax raising powers and social security powers and we thought that would dominate. Six weeks after we were elected the Brexit referendum happened and it totally shaped the political agenda for four years, followed by a global pandemic. So whatever advice you might have, you know - was it Harold Macmillan said "events, dear boy, events"? You know, that's what you have to handle.

Des: When the Parliament was set up in 1999 and for a good few years afterwards there was an endless flow of people coming from around the world to look at how the Parliament was working. I think a lot of people came to see the new building as well and see how that worked. How do you think the Scottish Parliament is now viewed internationally? You must meet a lot of people who are coming to the Parliament and hear their views.

Ken: Very positively is the straight answer although I suppose to be fair, they're not going to meet me and tell me how much they dislike the Scottish Parliament. But even with the diplomatic niceties to one side, we are viewed very positively, and, in fact, we engage. The way the Scottish Parliament engages with other Parliaments is always on a reciprocal, mutual learning basis. We are always looking to other parliaments to learn. There are particular parliaments, in fact, which are very helpful to us because of the similarities so the German lander in particular, New Zealand, the

Canadian national and state legislatures, Belgium because of the nature of devolved powers in Belgium. And, closer to home, we have Wales and Northern Ireland, as well as Westminster. So we have very close interaction with other Parliaments and it's quite interesting that during the pandemic we were swapping information about 'how do you adjust to the pandemic?', 'what kind of voting system can we introduce?', 'what kind of remote voting are you going to use?', 'what technology will you use?', 'how you make it work?', 'how do you establish security in some circumstances?' and, in fact, security more generally in a time when Parliamentarians are often under physical threat 'how do you guarantee their safety?' and so on. We're always swapping ideas and exchanging information and I think there's no doubt that many Parliaments look to us. The ones I mentioned there tend to be equal partners, if I can put it that way, and we're exchanging information back and forward. There are others where we take a more supportive role particularly in emerging democracies and that's where we are more likely, for example, to devote resources. So, it might be in The Balkans, it might be in North Africa and there's quite a few countries, in parts of Pakistan, where we actually devote considerable resources to working with colleagues in these parliaments to talk about institutions.

You mentioned in earlier days, for example, the financial scrutiny unit. Well, the Kosovan Parliament thought this was so good they've adopted it and we actually sent somebody there and they because, you know - for those who don't know, the Government, when they're producing budgets has the whole armoury of the Civil Service behind them. Parliament's political parties within that are at a disadvantage there's no 'equality of arms' if we can use that military metaphor I'm using at the moment - and what the Scottish Parliament did was, it set up the financial scrutiny unit to provide neutral financial information available to everybody on which you can make judgments through a budget process. It was incredibly helpful to, I was an opposition politician at the time, very helpful to me and when I was in the front bench. The Kosovan Parliament has adopted that, and we helped set them up an identical unit to help them ensure proper parliamentary scrutiny.

Des: One of the things that strikes me when I met people from other parliaments is that whereas in Britain the assumption is that Westminster is the 'mother of all Parliaments' and the model that people copy, in reality the Scottish Parliament is procedurally much more similar than Westminster is to the way parliaments work in the rest of the world. People from other jurisdictions have more to learn from the Scottish Parliament. Having said that, one of the criticisms of the Scottish Parliament is the lack of a revising chamber or some kind of revising mechanism so that mistakes can be rectified, or expertise applied at a post-legislative stage, or as part of the legislative process. Is there anything that could be done to provide some kind of a check on errors that the Parliament might make or issues that might be resolved by some kind of revising mechanism?

Ken: This is a recurring issue for us and has been for many years now without one easy solution. Taking the question of having a second chamber, that idea has come up time and time again. The political reality of it is that there's very few people in the electorate who would vote for more politicians so a party standing in an election saying 'we are going to create a second chamber with another level of politicians' is probably not going down as the most popular pledge. However, if it's the right thing to do, maybe it will be adopted at some stage. This session we actually introduced a post-legislative function for what was, what used to be called the... what was the old name for DPLR? I've forgotten the name now, it's terrible! It used to be the committee that - it still is the committee - that scrutinises all subordinate legislation. [Unclear] 'Sub leg' ... 'sub leg'! Don't know if you ever sat on it, Des? - I sat on that committee for many years and I really, really liked working on that committee, although it wasn't everybody's idea of fun. But it now has a specific post-legislative scrutiny function and one that it takes seriously. So, we've got a committee that specifically has an

eye on this area but the committees themselves are supposed to be the vehicle to provide the sort of second chamber function and the difficulty that, when the communities are working at their best that's what they do, when the electoral arithmetic doesn't work in their favour that's where they're at their weakest.

I was greatly encouraged in this session that we saw a committee bill come through about the pre-release of statistics. As you may know, when a government has figures coming out, the government gets them in advance sometimes, sometimes a week in advance before they are issued. So the government ministers get to look at them and the allegation is that they then present the statistics in the most favourable light. Other legislatures say 'no, everyone should have access and statistics should go to everyone at the same time'. A committee bill just came forward and came up with a proposal; it was a compromise that said, well, the maximum the Government should have them is one day in advance. The Government opposed this until the end of the legislative process, but it went through as a committee bill with the support of all the opposition parties and then the Government abstained at the end. I have to say I was so encouraged just to see a committee bill like that come through again because that's the committee of Parliament doing its work, you know, exercising independent function. This was not a party-political point, it was something that was supported by the broader community, there was no votes in it you know it's just the right thing to do but it was also the process I really liked the fact that the committees did it. So, the committees in the Parliament do have the power, they can exercise it, they can exercise that post-legislative function but it's not easy and parties still dominate and, yeah, it's still, it's going to be, it's going to remain an issue which will require attention for time to come.

Des: One of the things that is most satisfying to have done as a Member is to bring forward a private member's bill, take on your own issue and drive it through the Parliament. I was fortunate enough to be able to do that with asbestos related issues, but you made the point that you can only do that successfully with the support of colleagues on a cross-party basis. It is something that the Parliament does which is often not particularly recognised. Yet there are some very significant differences in Scottish public life that have come about through private members bills. Is that something that we should be publicising more or saying more about as a function of the Parliament, the extent to which members can actually lead debates and then take forward issues that affect their constituents?

Ken: Again, you're shining a light on one of the hidden gems or certainly one of the functions of Parliament that that I think is really important. But these issues, they tend to be on the most - not always - but they tend to be relatively discrete issues. So, your own bill on asbestos, as you know I did a similar one for on skin cancer which is about control of sunbeds but it's just about raising awareness of skin cancer, and in my case, my success was based on the fact that the Government, the incoming SNP Government took on the bill so mine was adopted into law. That made it so much easier because it's still difficult to get a private members bill through. But if you just look, tomorrow we're going to debate Andy Wightman's bill on the European Convention and local government so it's putting into legislation a European agreement about devolving power to local government level. I don't want to predict it, but I think it's, we've got to see but I think it will go through tomorrow. And then the next day Emma Harper's bill on the protection of livestock from dogs is another bill that's likely to go through. Andy Wightman's Bill is quite broad ranging, it's putting the principle of subsidiarity into law in Scotland, so you can have quite far-reaching effects. And these Members bills absolutely reflect the ethos in which the Parliament was founded. It tends to take a Member with quite a lot of drive, quite a lot of willingness to make their issue happen. Well, you know, you've done it yourself. You know how much work that takes. When you haven't got a civil service behind

you, getting a bill through Parliament is immensely difficult. There are so many obstacles in your way, and we have tried to, I want to say re-finance, to 'beef up' our non-governmental bills unit to give more resources to help members in the situation where a lot of members' bills coming through. As usual, only half of them made it to the final stage because it's so difficult to get this done. But, yeah, it doesn't tend to address the big issues - they tend to be matters for Government still - but on specific issues Member's Bills absolutely capture the essence of participative democracy because they tend to be driven by somebody outwith Parliament who gets a Member like yourself to take this issue and run with it and then you win support from across the parties because it requires cross-party support. It tends to be Members in opposition, not always, there's a couple of Government members have done it too but, yeah, it's a big plus with our Parliament.

Des: I don't know whether it's happened in the Scottish Parliament but obviously during the Brexit debate, John Bercow's position as Speaker of the House of Commons became very politicised. He took decisions and made rulings that the Government clearly disagreed with and presented himself as representing the Parliament and its traditions more generally. Is that something that could happen in Scottish Parliament. Could you envisage a Presiding Officer in a Scottish parliamentary context in a similar situation? Should it be avoided at all costs?

Ken: Well, it's highly imaginable Des and it's the stuff of my nightmares and has been for several years. Every time, when things happen at Westminster or other parliaments, for example, when groups engage in protests and walk out or they do something else, everybody else might think 'oh, this is democracy in action' I wince every time. I'm thinking, oh this is going to happen tomorrow, somebody's going to grab the mace or something like this. So yes, so my perspective isn't quite the same as everybody else's. There can always be a confrontation between Parliament and Government and one of the things that I was very, very keen to do - it's difficult to do - but was just to make sure... I was keen to draw, to make sure that people were aware more of the distinction between Government and Parliament. I thought that it one of the things that had happened in Scotland was that the two had become slightly blurred. Now it's always going to happen. You know how people talk about Westminster, now 'when you talk about Westminster, do you mean the Government or do you mean Parliament?' and 'when you talk about Holyrood, do you mean the government or Parliament?' It's that these amorphous terms tend to encapsulate both. But I've been very keen in this Parliament to make sure that the line is drawn. Now you could do it in a confrontational way if you wish but my style's never been confrontational anyway at the best of times, so it was never going to be my approach.

I have been very fortunate in that I have no doubt that the First Minister herself and the Government but particularly the First Minister respects Parliament. She is a Scottish parliamentarian, she stood herself for election in '99, she believes in the Scottish Parliament, she respects Parliament and that has made it so much easier for me, to work with a Government that respects Parliament. But there have been several times when it's been tested. I mentioned earlier the Continuity Bill. That could have absolutely blown up because here was the Government presenting a bill which it felt very, very strongly about. This is about the powers coming back from Europe and these are mostly un-devolved issues, and they should, in theory, come straight to the Scottish Parliament but they were coming back to Westminster first before being devolved in the Scottish Parliament and this was a source - it still is a source - of great political friction. So, the UK Government's publishes its Continuity Bill, the Scottish Parliament is publishing its Continuity Bill on what was, at that point a reserved issue, well, not a devolved issue, and I had to rule on the competency of the bill. And I could just see being caught in the middle of this. I would just pay tribute to the Government as well, for being able to discuss this as mature individuals and, you

know, respectful of our own institutional positions. We tried to reach agreement, but we couldn't, so we ended up having a difference of opinion, but we did so respectfully. I published my opinion; we didn't have a stand-up row about it and the matter took its course.

The Bill went through and then it was challenged and thrown out by the Supreme Court, but it was handled respectfully not just because I handled it in non-confrontational way but also because the Government agreed that was the way to do it. So, in these situations it matters, it matters how the other side views matters. The Presiding Officer will always defend the powers, the institution, the independence of Parliament. One of the few areas I've had disagreement about, well, not disagreement but I've had issues with the Government, is about making sure that all announcements, for example, are made in Parliament. So, I've changed the rules in Parliament to make sure that there's never a reason why they shouldn't, or can't, get the opportunity to make their announcements. So, having done that, having given them that flexibility, they should always make the announcement here and not be making it to press conferences or elsewhere. So, there's been a little bit of friction on these issues but very little conflict because they also respect Parliament and they recognise, as all governments should recognise, that it's not in their interest to have a supine parliament. If you're to have any authority whatsoever, you want to be challenged because your ideas should be robust, you should hold them up to challenge and, if they don't survive that, you should amend them. That's the whole point but also if you present your programme to Parliament and it is approved by a parliament that is independent, and has some authority, and has some force, and has some independence, it gives your bills, your acts, your budget, more authority because it's been challenged by that process. A patsy Parliament does nobody any favours.

Des: I couldn't agree more with that. Members have to think about how they conduct themselves in committees and in the Chamber as well. Can I ask you a question about centralisation now? There was a big project to create the Scottish Parliament and to establish the Scottish Government and the Parliament in Edinburgh. Some people from other parts of Scotland worried that this would have the effect of centralising power in Edinburgh and giving more power to the Civil Service. Concerns about centralisation have been heightened by experience. Devolution in Scotland has not gone beyond Holyrood, with powers or decision making not cascading down to local government or regional government levels. The budgetary control the Scottish Government is able to exercise has severely constrained local authorities. Do you think that that is something that is a continuing concern amongst Parliamentarians and more widely and is there something that could be done to rebalance the roles and responsibilities of central and local government in Scotland?

Ken: It definitely has been an ongoing concern for many years. The Parliament when it was founded, I mentioned subsidiarity earlier, but subsidiarity and devolution are to me are the same word, the same process - it's about taking decisions as close to the individual as possible - and the accusation has been levelled, whether it's true or not, the accusation has been repeatedly levelled at the Scottish Government and Parliament. It was levelled at the Labour/Liberal Democrat administrations and then was labelled at the SNP administrations that they were centralising power. When the SNP Government came in, they specifically ended the ring fencing of a lot of local government spending and made a huge virtue of this and drew up a new agreement with local government about local decision-making power. However, they have been criticised, and robustly criticised, by local government in recent years for underfunding and undermining local decision making. So, it's an ongoing argument. The pandemic has thrown up the fact that it's an ongoing argument across the UK. When devolution was introduced for Scotland, Wales voted for it but not so enthusiastically and so they got much fewer powers. A lot of areas around England were offered and hardly any took up the offer of devolved powers, you know, most of them rejected utterly. However, in more recent

years, a few Council areas did adopt, for example, local mayors. Mayors in most cases were in the big urban conglomerations and this pandemic has actually thrown up or shown the importance of local decision-making, the importance of local knowledge, the importance of local systems of government. We had quite public rows between Andy Burnham and others representing these big urban communities in England and a centralised UK government.

The difficulty with the kind of devolution we have in the UK is that it is asymmetrical, you know, it is all sorts of parts of the country have different kinds of powers over different areas. It makes it very messy and it for people who like nice clean lines of accountability and decision-making it can be a bit difficult to follow. There's that whole argument that power always accumulates to the centre, so these forces are constantly in flux, and I think they'll continue to be. My own personal views are that I've always been a supporter of devolving power at every level. That's my own personal view. Others have a different perspective on it. I suspect that we will continue to see the pendulum swinging back and forward in this so, you know, when it swings too far in one direction you get a big reaction and you tend to get, what you often get, of course, is the local government reorganisation at that point or something like that. I'm not saying that's the answer, by the way, before anybody jumps to that conclusion. So, I don't know, I don't know what the answer is Des. I think that it's undoubtedly a still a live issue so I'm slightly conscious of not, you know, commenting too prominently on it when it may even become an issue at this coming election.

Des: I suspect we won't get local government reorganisation; we haven't had any major change there since 1995. But one of the issues that has been raised is about the extent to which the Parliament or the Scottish Government has been able to achieve change in some of the areas that have been argued to be most important. Things like child poverty, health disadvantage, or the imbalance in attainment between people from different backgrounds are disfiguring and persistent. If the ambition of the Parliament or the Scottish Government has been to transform Scotland, it can be argued that judged against these aspirations, it's not been able to achieve as much as it would have liked or indeed had promised to do. Is that a function of the scale of the task in addressing these deep-seated challenges things or is here an issue about the way in which governments have tended to go about these things by making ambitious policy commitments but not necessarily being able to deliver the mechanics of change? And does that get back to the centralisation question, that Parliament can decide what it likes in setting policy targets but unless it actually gets change going down at local level then you won't actually get the kinds of social transformation that people are looking for?

Ken: Well, I think you've absolutely identified what, one of what I would describe as certainly my biggest frustrations as an MSP over 22 years. If you think about the changes, I thought we'd see to poverty, to equality, inequality in Scotland, how much I hoped we would transform these things and to find we are still wrestling with them. I think everybody was horrified - you've seen the pictures not that long ago of people queuing in the snow for a food bank in Glasgow. It's really, really disappointing isn't it, when we've had 22 years to challenge these issues, to see the levels of inequality in Scotland still. And that's not criticism of the current Government, it's applicable to all the administrations that there have been since 1999. In this case I certainly wouldn't point to centralisation versus local power decision-making as the key. I would identify another couple of issues though.

In terms of process, Parliament has had many successes over the years, and Scotland itself is just a much more confident country because of the Parliament and much more able to deal with its own affairs and not blame others for our weaknesses. Take one example, when we were first in '99 Scotland had the worst cancer record in Europe, constantly talked about our poor health, poor

dental health, heart health and in response the Parliament introduced the Smoking Act. Taking a chance on something as controversial as this turned this country into a leader in the UK on this issue. A huge, hugely successful, important, pivotal moment for the Scottish Parliament but the success of that Act and all the early legislation has meant the Scottish Parliament has viewed legislation as the most important vehicle. So, every time you want to introduce a policy, or you want to make a change, the immediate thought process is to introduce a bill in the Scottish Parliament, that's how you go about it. You legislate for change.

What we've not done within the Scottish Parliament is look more closely at how we distribute wealth or how we could more effectively use funding to drive change. I actually think that our record overall the 20 years is desperately poor in this. I thought that the budget process within the Scottish Parliament would change and dominate this session of Parliament though Brexit just trumped everything. I anticipated that we would concentrate on the new tax powers, the new security powers, and the new budget process and that the budget process, which up till then was a real anti-climax - it wasn't even a huge occasion, it was a big occasion in the Parliamentary year but not the occasion it is at Westminster would become a more important and high-profile event. If you look overall, we've tweaked budgets here and there but in terms of changing the way that wealth is distributed around the country or even the funding streams to different levels of government or organisations, I mean, there have been changes but they've been driven by demand more than driven by political will. And reflecting on it now, I think that's a mistake. We should have done more than we have to focus attention on the budget process, the control of money, the economic decisions you take which are so important for the way a country develops but instead we have grabbed hold of legislation as the vehicle of change.

Our legislation early on was so successful - land reform, adults with incapacity, additional support for learning - there were so many big breakthrough moments that it's not surprising that people have said 'well...' and so you get legislation as the solution 'we want to wrestle with our drink problem in Scotland, so we get t minimum pricing control on alcohol'. That's what we do; we go for Bills to legislate for issues. This approach may be linked with the electoral cycle, the fact you elect to Government for either four years or now for five years, it means that governments want to be seen to be doing things rather than go for the big perspective. Interesting that you mentioned that under the SNP minority administration w you've got all parties coming together in a Climate Change Bill, where people looked to introduce long-term forecasts and long-term targets but it's difficult for governments caught up in their four-year term or five-year term to really grasp and make a big difference in some of these fundamental directions of travel. They're far more likely to be shaped by outside events, the banking crash, the nature of politics globally and so on. These things tend to thwart governments in in their aims and it takes an incredible amount of political will to shift resources, and that's especially difficult in a Parliament full of minorities.

Des: Yes, but so we don't end on a downbeat note, I'm going to ask you as a final question what gives you greatest pride? As someone who's been in the Parliament for 21 years, what do you think its biggest achievements are?

Ken: Oh, I think it's the Parliament itself, the difference it's made to Scotland. When we first came in, we were - I remember this - we were each asked to make a little video. They asked you very strange questions like 'who's your hero' and such like - I always hate these questions - but they also said, 'what difference you want to make?' and I remember specifically saying 'I want Scotland to be more self-confident'. I think that's what we are. I think that people in Scotland now, they look to the Scottish Parliament and they want to hear the issues that are on their mind, discussed in the Parliament. And I think that's what happens. If you have something that's bothering you, that you

think is unfair, unjustified, it's a difficulty you're facing, it's a grievance that you want to air, or it's just, you know, an issue about the direction of a society that you want to challenge, you will and you can, get it discussed on the floor of the Chamber or in a committee. And that's given people this ability, this belief that they can make a difference in their own lives, that politics matters, that it can shape their lives. It's made Scotland such a more liberal place than it used to be. I'm not saying we're totally tolerant, we're still quite an intolerant country you know. But if you think about the country I was brought up in as a kid, it was a quite a prejudiced country, we've always been slightly mono-cultural, there was an awful lot of bigotry and prejudice. When I was a young guy it was difficult to be to be gay or black or from any kind of minority community, to be a woman, and I'm not saying it's still not difficult in Scotland for many groups but we're far more willing to champion these issues, to recognise that inequality. Remember the battle over section 2A? A huge battle, the first battle we faced when we came into power, and we had this massive battle about getting rid of such ridiculous, you know, pejorative, discriminatory legislation - and now the Pride march actually leaves from the Scottish Parliament. That is a transformed country in my view - the country has been changed for the better. But unfortunately, it's a journey where you'll never reach a final destination but hopefully the Parliament will be there to take us on an interesting journey.

Des: This has been a fantastic conversation Ken. Policy Scotland were delighted to host you and give you the opportunity to share your thoughts. Thanks to Professor Sir Anton Muscatelli for his introduction and thanks also to members of the virtual audience who stayed with us in large numbers. I didn't get to ask all the questions submitted through the question-and-answer facility and apologies to those whose questions we didn't reach. But this was a really great session with someone who has made a great contribution to the development and evolution of our Parliament.

ENDS