

St John's

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SCOTTISH GOVERNANCE



*Articles by Anne Pankhurst and Adam Rennie
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In the year when Scotland's people will vote on the issue of Independence these two articles, published in our regular magazine, may be of interest.

The first is a report by Anne Pankhurst on a 2013 conference called *Tae see oursels: a sideways glance at Scottish Identity*. The second, by Adam Rennie, a former Civil Servant, is entitled *Devolution: The Clerks' Tale*

Contents

Thinking about Scottish Identity – Anne Pankhurst
Devolution - The Clerk's Tale – Adam Rennie

Thinking about Scottish Identity

Anne Pankhurst

Holy Trinity Church, Haddington, provided a welcoming venue for nearly a hundred people who attended an affirming and inspirational diocesan conference on 23 February, to hear talk on Scottish identity, in anticipation of the independence referendum planned for 2014.

With the title *'Tae see oursels: a sideways glance at Scottish Identity'* Professor Storrar pointed out that Scotland's bid for independence, unlike most others in history, comes during a period of peace and is not born of recent violence, bloodshed or slavery. The current debate is being held in an atmosphere of tolerance, and we have time to consider carefully who we are. He warned, however, that a referendum, no matter the result, carries risks.

Prof Storrar proposed 'an irenic approach', based on a 17th century work by John Forbes. There are three characteristics of a good Christian society. The first is to give a reasoned account of our own position and convictions; the second to draw on the early church fathers and the scriptures, although there may be differences between us over government and politics; the third is to note that some religious practice is determined by freedom rather than scripture (e.g. kneeling in worship). In searching for common ground, all human beings are made in the image of God and must respect each other; all earthly visions should be measured against Christ; and warring gods must be avoided in favour of the living God.

Professor Storrar, in his second lecture, looked to the future. Using the phrase 'Civic Pentecost' he asked us to apply this irenic thinking to present-day Scotland. We should adopt four C words and recognise complexity, use creativity, renew civility, and be confident as we create our future. Some problems in society cannot be resolved by a vote. Rather, we should seek practical sustainable changes. We need to re-imagine who we are, with vision and invention, tolerate uncertainty and not see ourselves as victims of the past. We need to treat each other with respectful reserve, listen to each other, look at problems as citizens together, put value into civil society. We need to do this with confidence in the face of risks and challenges.

The lectures were interspersed by poetry as Mary Johnston read poems written by herself and by Valerie Gillies. The afternoon session was led by Carol Marples, of Soul Marks Trust. She had us look at our own sense of identity, using art to stimulate our sense of belonging. The concluding reading was St. Paul's writing on the Body, 1 Cor 12:12-25, read together in groups. Music was provided by Catherine Harkin and Pam Robertson.

Devolution: The Clerk's Tale

Adam Rennie

The Editor asked me to follow up Ann Pankhurst's article in the Easter edition. Her brief was for me to give some personal reflections on how devolution is working out. My perspective derives from my work in the Scottish Office, and then in the Scottish Executive when it was established in 1999 (now called the Scottish Government).

I had a bird's eye view of the first attempt at devolution in the late '70s. Working as a Minister's Private Secretary I saw the passage of the Scotland Bill through the House of Lords in 1978. The Labour Government had a tiny majority in the Commons, and many Labour MPs, including some in Scotland, were unenthusiastic about devolution. A few were openly hostile. It was therefore unsurprising that, in the 1979 referendum, the Act did not achieve support from the necessary 40% of the electorate, a requirement which had been introduced by the (Labour) MP for Islington.

That failure led to a vote of no confidence in the Commons and the 1979 General Election, which ushered in Mrs Thatcher. During the ensuing 18 years of Conservative government, the proponents of devolution were able to claim that Scotland was being subjected to policies for which the Scottish electorate had not voted. That argument gained force after the 1987 General Election, when the number of Conservative MPs in Scotland was reduced from 21 to 10 (out of a total of 72).

I worked in various posts for Conservative Ministers, and I recall feeling a bit beleaguered by the forces arguing that the Scottish Office was some sort of colonial government. That feeling was particularly pronounced when I worked in Local Government Finance implementing policies on rate-capping. But that was not true everywhere: some posts were in the front line of the argument about the political legitimacy of Scottish Ministers, others less so.

And then came the May 1997 General Election and a huge majority for the Labour Party, which was committed to devolution. Building on the work of the Scottish Constitutional Convention the Scottish Office was ready to act very quickly indeed. A devolution team was immediately established and a Bill was enacted to hold a referendum in September. That referendum gave strong support to the principle of a Scottish Parliament and to it having tax-raising powers.

In parallel with that, the devolution team dived into the bowels of Whitehall and created the Scotland Bill, which set up the Scottish Parliament and its institutions. This involved a prodigious amount of difficult and contentious work delivered against a very demanding timetable. The team did an excellent job.

My perspective during this period was as head of a policy division, first for environment protection and then for aspects of transport, in particular rail. So, rather than seeing the whole picture, albeit very much as an observer, this time I was involved in very detailed

questions about where exactly the line should be drawn between Westminster and Holyrood.

When the Scottish Parliament commenced I quickly felt the difference brought about by devolution. Links with Whitehall remained crucial because of the nature of the devolution settlement for rail. But on my frequent visits to London I was now representing Ministers answering to the Scottish Parliament, rather than – as before – Ministers accountable to the same Parliament as the Transport Ministers whose officials I was meeting. This introduced an interesting new dynamic to our meetings.

In 2002 I moved to social care. That had long been the responsibility of Scottish Ministers, so the effect of devolution was to make concrete a separation of functions which already existed between Scotland and England. One of the key ‘flagship’ policies of the Scottish Parliament was of course Free Personal Care for older people, where the Scottish Labour leadership defied the wishes of the UK Labour Government. That could not have happened before devolution.

There were other big achievements, such as the ban on smoking in public places and the community right to buy. But the Parliament also enacted much unheralded legislation on matters which it had been hard to accommodate at Westminster. These never made headlines but they were important for the people affected by them.

One very big change which I and my colleagues experienced was a dramatic increase in scrutiny. Previously there had been 72 Scottish MPs, who were interested not only in what we did but also in the doings of many other UK Government Departments. After devolution there were 129 MSPs and they were interested almost exclusively in us. Before we had 5 or 6 Ministers, who spent most of the week in London; afterwards we had about 20, who were almost always in Edinburgh or elsewhere in Scotland.

So the amount of Parliamentary business ballooned – questions, debates, letters from MSPs, and so on. But it wasn’t just a step change in volume; the nature of the interaction also changed. Being new, the Scottish Parliament could adopt suitable bits of Westminster procedures but also create its own. A particular innovation was the greatly increased use of Parliamentary Committees, with a very wide range of witnesses being called. I remember one round-table session of the Health Committee in which the Convener moderated a long, civilised and sometimes humorous discussion amongst civil servants, local authority officials and representatives of the voluntary sector. That was quite different from my experience of scrutiny at Westminster, and, I felt, much more productive.

Although this extra scrutiny sometimes made our life uncomfortable, I felt that was how it should be. Certainly it was one of the key purposes of devolution – to make the executive more effectively accountable to the legislature.

Of course it wasn’t all good news. The Scottish Parliament has had its fair share of causes celebres – resignations in unseemly circumstances; a depressingly low standard of debate on some, but by no means all, occasions; the partisan nature of much of the discussion, and so on. A bit like Westminster, really.

But I think that if you asked most people in the street - or indeed any Scottish civil servant – if they'd like to go back to the old arrangements, they would regard that as an odd question. The genie is out of the bottle. Next September the Scottish electorate will be invited to give the bottle another rub. Will other genies emerge?

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