AN INTRODUCTION TO POLICY IN SCOTLAND

This first guide provides an introduction to policymaking in Scotland, how policies are developed, and the difference between policy and legislation. Subsequent guides will focus on how scientists can get involved in the policy process at Holyrood and the various opportunities for evidence submission, such as to Scottish Parliament Committees. To find out about the policy making process at Westminster please read the BES UK Policy Guides.

WHAT IS A POLICY?

A policy is a set of principles to guide actions in order to achieve an objective. A 'government policy', therefore describes a course of action or an objective planned by the Government on a particular subject. Documentation on Scottish Government policies is publicly available through the Scottish Government website.

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EXAMPLES OF POLICY

Details of a policy and the steps needed to meet the policy ambitions are often specified in Government strategies, which are usually developed through stakeholder engagement – (i.e. Government consultations). These strategies are non-binding but are often developed to help meet binding objectives, for example, the commitment to reduce greenhouse gases under the Kyoto Protocol and the Paris Agreement.

Examples of current Scottish Government policy are:

- Climate Change Plan
- Scottish Biodiversity Strategy
- Forestry Strategy
- Scotland's National Marine Plan

BES – SCOTTISH POLICY GROUP

The BES Scottish Policy Group (SPG) is a group of British Ecological Society (BES) members promoting the use of ecological knowledge in Scotland. Our aim is to improve communication between BES members and policymakers, increase the impact of ecological research, and support evidence-informed policymaking. We engage with policymaking by making the best scientific evidence accessible to decision-makers based on our membership expertise.

Our Policy Guides are a resource for scientists interested in the policymaking process in Scotland and the various avenues through which scientific evidence can be used to inform policy.

If you are interested in learning more we run a variety of policy related training days and events throughout Scotland. For more information and alerts please visit the BES-SPG web page.

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THE POLITICAL SYSTEM IN SCOTLAND

The UK Parliament passed the Scotland Act 1998 following a referendum on Scottish devolution. This Act set up the Scottish Government of ministers and the Scottish Parliament and specifies which matters are reserved to and which are devolved from the UK Parliament.

Broadly, devolved matters are those with most day-to-day relevance to the Scottish people. The issues of most concern to BES members are largely devolved matters, such as the environment, rural affairs, agriculture, fisheries, and forestry.

DEVOLVED MATTERS (SCOTTISH GOVERNMENT RESPONSIBILITY)	RESERVED MATTERS (UK GOVERNMENT RESPONSIBILITY)
Agriculture, forestry, and fisheries	Benefits and social security
Education and training	Immigration
Environment	Defence
Health and social services	Foreign policy
Housing	Employment
Law and order	Broadcasting
Local government	Trade and industry
Sport and the arts	Nuclear energy, oil, coal, and gas

WHAT IS THE DIFFERENCE BETWEEN POLICY AND LEGISLATION?

Although policy and legislation are interrelated, each has a distinct function. A policy may have an associated piece of legislation that helps to enforce part of or all of it.

POLICY	LEGISLATION
Sets out what government plans to do towards achieving a long-term purpose or goal	Sets out the law - the procedure or standard that people and organisations must follow
Must comply with existing law, but may also lead to the proposal of new laws	Can be used to enforce the course of actions within a policy
May be adopted to fulfill legislative commitments (see Case Study 1)	New laws may be developed to enforce part or all of a policy
Tend to evolve and adapt over time under review processes	Tend to be fixed for much longer periods of time

WHO ARE POLICYMAKERS?

'Policymaker' is a broad term, including all people involved in formulating, developing or amending policy. In Scotland policymakers include:

- Government Ministers and their advisors, civil servants, MSPs (Members of Scottish Parliament)
- Government agencies such as, Scottish Natural Heritage (SNH), Marine Scotland, Scottish Environmental Protection Agency, and the Forestry and Land Scotland
  - Government agencies and public bodies tend to have greater expert knowledge in the ecological domain, and play a critical role in developing Government policies. For instance SNH lead on the development of Scotland's Biodiversity Strategies; the Forestry Commission lead on the Forestry Strategy
- Local Government civil servants lead on local issues, broadly in accordance with Government policy, such as Local Biodiversity Action Plans

CASE STUDY 1

POLICY FORMATION AND BES-SPG ENGAGEMENT

Developing a Forestry Strategy in Scotland

In 2018, the Scottish Parliament passed the Forestry and Land Management (Scotland) Bill. This completed the devolution of forestry to Scotland when the Bill received Royal Assent and became the Forestry and Land Management (Scotland) Act 2018.

From the Act, the Scottish Government is required to produce a Forestry Strategy, in consultation with stakeholders. The strategy should set out the Government's vision for Scottish forestry as well as the key objectives and actions required to achieve the vison.

The Government published a draft Forestry Strategy 2019-2029 - for consultation . BES-SPG asked its members for their views on the draft policy, and after collating all of the scientific evidence received from forestry experts they submitted a response along with other stakeholders.

Pathway to Scotland's Forest Strategy

Forestry and Land Management (Scotland) Bill

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Forestry and Land Management (Scotland) Act 2018

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Scottish Government publishes a draft Forestry Strategy consultation

Stakeholder engagement: BES-SPG submit a response →

↓

Scotland's Forestry Strategy 2019-2029

WHAT IS THE DIFFERENCE BETWEEN THE SCOTTISH GOVERNMENT AND SCOTTISH PARLIAMENT?

The Scottish Government and Scottish Parliament are two separate entities with different roles and responsibilities. The Scottish Government is held to account by the Scottish Parliament, and both are accountable to the Scottish people.

SCOTTISH PARLIAMENT	SCOTTISH GOVERNMENT
Law-making body for devolved matters	Formulates and implements policy on devolved matters
Scrutinises the work and policies of the Scottish Government	Introduces most bills (draft laws) to be considered by the Scottish Parliament
Formed of 129 MSPs	Formed from MSPs from the political party with most seats in Parliament
Each citizen in Scotland is represented by eight MSPs: one constituency MSP and seven regional MSPs	The First Minister is nominated by the Scottish Parliament and heads the Scottish Government
Scottish Parliament Committees are formed of MSPs from the balance of political parties	Cabinet secretaries are MSP's appointed by the First Minister to head a government department supported by Ministers
Committees hold the Government to account, scrutinise legislation and policy, and conduct inquiries	Scottish Government directorates are responsible for putting government policy into practice

WHERE DO POLICIES IN SCOTLAND COME FROM?

Elections are normally held every five years in Scotland and policies may emerge at different points during the political cycle:

- From party manifestos (declaration of policy and aims) prior to an election
- In response to particular situations or events, such as the Paris Agreement on Climate Change or the Nagoya Protocol (last iteration of the Convention on Biological Diversity)

Policies may arise as a result of legislation, for example:

- The Climate Change Plan and A Land-Use Strategy for Scotland arose from the Climate Change (Scotland) 2009 Act
- The Marine (Scotland) Act 2010 led to the network of marine protected areas

External organisations and individuals can engage in and influence policy development through speaking to policymakers at all stages:

- via formal consultation and engagement with the Government
- via lobbying of Ministers, Parliamentarians, and through wider public advocacy (to note: the BES does not campaign or lobby on issues)
- by providing existing or new research to inform policy

CASE STUDY 2

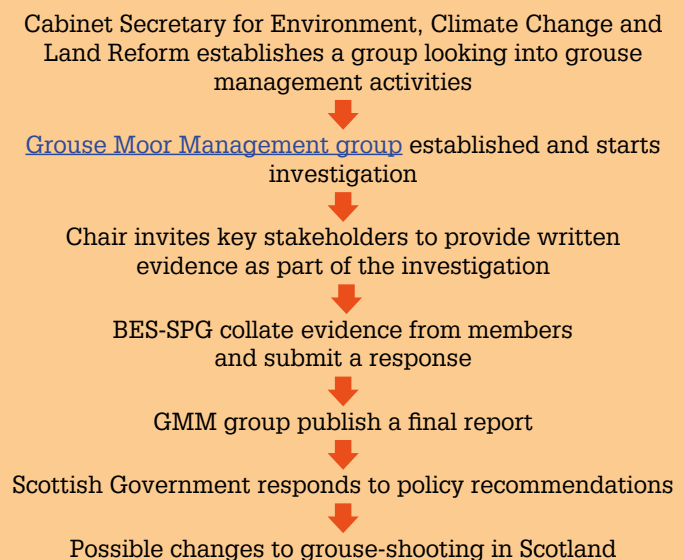### INQUIRY INTO GROUSE MOOR MANAGEMENT IN SCOTLAND

The Scottish Government (SG) set up an independent grouse moor management group (GMM Group) following SNH research on satellite-tracked Golden Eagles.
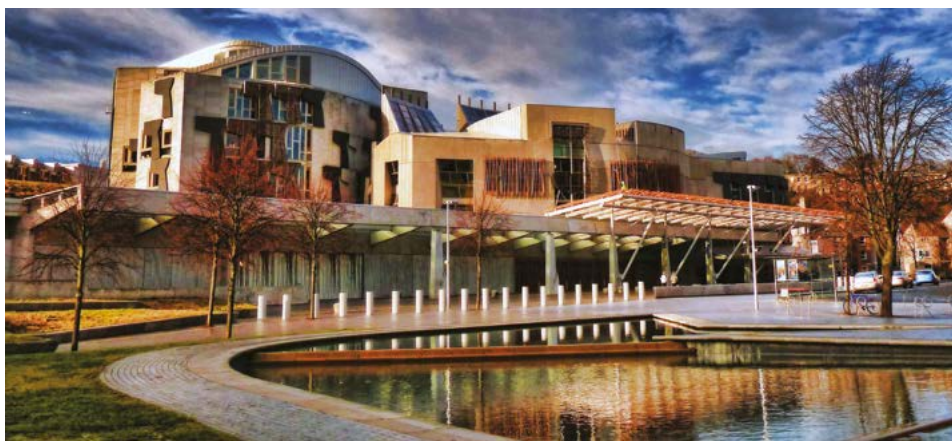
The GMM Group's remit was to "examine the environmental impact of grouse moor management practices … and advise on the option of licensing grouse shooting businesses".

As part of evidence gathering, the Group's chair wrote to key stakeholders, including the BES-SPG, asking for evidence on practices and issues relating to raptor persecution, predator management, muirburn, mountain hare management, use and application of medicated grit, regulation, licensing, and Codes of Practice.

The GMM group will set out its recommendations in a report which will be published in June 2019; after which the SG will respond, which may or may not lead to a change in policy regarding how grouse shooting businesses are run.

Pathway of Inquiry

Cabinet Secretary for Environment, Climate Change and Land Reform establishes a group looking into grouse management activities

⬇

Grouse Moor Management group established and starts investigation

⬇

Chair invites key stakeholders to provide written evidence as part of the investigation

⬇

BES-SPG collate evidence from members and submit a response

⬇

GMM group publish a final report

⬇

Scottish Government responds to policy recommendations

⬇

Possible changes to grouse-shooting in Scotland

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In line with the BES-SPG's aim of providing robust ecological evidence, we regularly respond to Scottish Government consultations on behalf of our members. Members' evidence is collated into a response, which is checked by both the SPG Committee and BES-Policy Committee before submission. The archive of responses, including BES responses covering the rest of the UK, can be found on the BES website.

Learning more about policy with the BES-SPG
By joining BES-SPG ecologists will benefit from:

- Support to communicate your ecological research to relevant policymakers
- Invitations to networking and policy engagement events
- Developing contacts at the science-policy interface
- Receiving regular updates on Scottish policy issues
- Policy training opportunities
- A forum to exchange ideas and develop novel applied research

How you can support the BES-SPG responses

We encourage ecologists at all career stages to get involved by:

- Drafting an answer, or part of an answer
- Submitting evidence
- Reviewing the response

If you would like to get involved in our work, please sign-up to our expertise list, indicating your area of expertise.

WHAT ARE BILLS?

A Bill is a draft law. Bills seeking to change the general law are called Public Bills and can be introduced by:

- A member of the Scottish Government
- An individual member of parliament
- A parliamentary committee

All Bills must pass through three stages before they finally receive Royal Assent and become an Act of the Scottish Parliament.

Stage 1
Parliamentary Committee(s) consider the general principles of the Bill and take evidence from stakeholders. Following a debate, Parliament votes whether to proceed with the Bill. Stage 1 provides the best opportunity for submitting research evidence.

Stage 2
Parliamentary Committee(s) scrutinise the Bill line-by-line and may make amendments based on the evidence they receive; at this stage the Government may also bring forward amendments; all amendments are voted on by the committee.

Stage 3
The amended Bill is considered by the whole Parliament, further amendments are debated and voted on by the MSPs as well as the vote whether to pass or reject the Bill.

WHAT ARE SCOTTISH GOVERNMENT CONSULTATIONS?

The Scottish Government regularly consults on proposed areas of policy such as a draft strategy or at the early stages of planning a Bill before it is drafted. Any interested parties/individuals may respond to a consultation. All consultation responses are analysed and used in the decision-making process. The Scottish Government maintain an online Consultation Hub where anybody can go and participate in current consultations.

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