



INTER-GOVERNMENTAL RELATIONS WRITTEN AGREEMENT BETWEEN THE SCOTTISH PARLIAMENT AND SCOTTISH GOVERNMENT

Background to this Agreement

1. The Smith Commission agreement considered the issue of inter-governmental relations in some detail. Amongst the recommendations of the Commission was that inter-governmental arrangements to support the devolution of further powers be “underpinned by much stronger and more transparent parliamentary scrutiny”.
2. The Commission stated that this improved transparency would include the laying of reports regarding implementation and operation of any revised Memorandum of Understanding between governments and the pro-active reporting to parliaments regarding inter-administration bilateral meetings established to implement the proposals for further devolution. Examples of multilateral and bilateral meetings cited by the Commission were the Joint Ministerial Committee and the Joint Exchequer Committee.
3. The Devolution (Further Powers) Committee considered the issue of inter-governmental relations in its report, *‘Changing Relationships: Parliamentary Scrutiny of Intergovernmental Relations’*. In particular the Committee made the following recommendation:

“The Committee considers that a new Written Agreement on Parliamentary Oversight of IGR between the Scottish Government and the Scottish Parliament with regard to the provision of information and how the views of the Scottish Parliament will be incorporated with regard to IGR agreements is an appropriate approach to adopt in order to aid transparency in this area.

The Committee considers that information provided by governments must enable parliamentary scrutiny of formal, inter-ministerial meetings before and after such meetings. Such information, must include, as a minimum, a ‘forward look’ calendar of IGR meetings and the agendas for these meetings. Subsequently, detailed minutes of meetings held and the text of any agreements reached must also be made available to legislatures in a timely manner”.

4. In response to the Committee's report, the Deputy First Minister wrote to the Committee Convener, Bruce Crawford MSP, confirming that the Scottish Government was supportive in principle with the Committee's recommendation with regard to a written agreement between the Scottish Parliament and Scottish Government. The Deputy First Minister noted that the approach taken would be "subject to the need to both respect the views of other Governments involved and maintain confidentiality around discussions as and when appropriate".

Purpose of the Agreement

5. This Written Agreement represents the agreed position of the Scottish Parliament and Scottish Government on the information that the Scottish Government will, where appropriate (see paragraph 6 below), provide the Scottish Parliament with regard to its own participation in formal, ministerial-level inter-governmental meetings, concordats, agreements and memorandums of understanding.
6. In reaching this Agreement, the Scottish Government recognises the Scottish Parliament's primary purpose of scrutinising the activity of the Scottish Government within formal inter-governmental structures. The Scottish Parliament also recognises and respects the need for a shared, private space for inter-governmental discussion between the administrations within the United Kingdom, such as, in situations where negotiations are on-going.
7. This Agreement is in recognition of the increased complexity and 'shared' space between the Scottish and UK Governments that the powers proposed for devolution entail. It further recognises that the increased interdependence between devolved and reserved competences will be managed mainly in inter-governmental relations. This Agreement seeks to ensure that the principles of the Scottish Government's accountability to the Scottish Parliament and transparency with regard to these relationships are built into the revised inter-governmental mechanisms from the outset of this structure of devolution.
8. This Agreement establishes three principles which will govern the relationship between the Scottish Parliament and Scottish Government with regard to inter-governmental relations. These are:
 - Transparency
 - Accountability
 - Respect for the confidentiality of discussions between governments

Scope of this Agreement

9. This Agreement applies to the participation of Scottish Ministers in formal, inter-governmental structures. This means, in practice, discussions and agreements of, or linked to, the Joint Ministerial Committee (in all its functioning formats); the Finance Ministers' Quadrilaterals; the Joint

Exchequer Committee; the Joint Ministerial Group on Welfare; and other standing or ad hoc multilateral and bilateral inter-ministerial forums of similar standing as may be established. This Agreement does not cover other engagement between the governments, although the Annual Report (referred to in paragraph 16) will comment upon the range and scale of such activity.

10. This Agreement is intended to support the Scottish Parliament's capacity to scrutinise Scottish Government activity and to hold Scottish Ministers to account in the intergovernmental arena only. The Agreement in no way places obligations on other administrations and legislatures involved with inter-governmental relations and the groups and agreements described here. In line with the principle of respect for the confidentiality of discussions between administrations, the Agreement recognises that the release of details of discussions directly involving intergovernmental partners is subject to their consent.
11. Subject to the above, the Scottish Government agrees to provide, to the relevant committee of the Scottish Parliament, as far as practicable, advance written notice at least one month prior to scheduled relevant meetings, or in the case of meetings with less than one month's notice, as soon as possible after meetings are scheduled. This will enable the relevant Committee to express a view on the topic and, if appropriate, to invite the Minister responsible to attend a Committee meeting in advance of the inter-governmental meeting. Advance written notice will include agenda items and a broad outline of key issues to be discussed, with recognition that agenda items, from time to time, may be marked as "private" in recognition of the need for confidentiality.
12. After each inter-governmental ministerial meeting within the scope of this Agreement, the Scottish Government will provide the relevant committee of the Scottish Parliament with a written summary of the issues discussed at the meeting as soon as practicable and, if possible, within two weeks. Such a summary will include any joint statement released after the meeting, information pertaining to who attended the meeting, when the meeting took place, and where appropriate, subject to the need to respect confidentiality, an indication of key issues and of the content of discussions and an outline of the positions advanced by the Scottish Government.
13. The Scottish Government also agrees to provide to the relevant committee of the Scottish Parliament the text of any multilateral or bilateral inter-governmental agreements, memorandums of understanding or other resolutions within the scope of this Agreement.
14. In line with the provisions of paragraph 9 above, in circumstances where the Scottish Government intends to establish new arrangements with the aim of reaching an intergovernmental agreement the Scottish Government will provide advance notice to the Scottish Parliament of its intention to do so. .
15. The Scottish Government also agrees to maintain a record of all relevant formal intergovernmental agreements, concordats, resolutions and

memorandums that the Scottish Government has entered into and to make these accessible on the Scottish Government's website.

Annual Report

16. The Scottish Government will prepare an Annual Report on inter-governmental relations and submit this to the relevant Committee of the Scottish Parliament. This report will summarise the key outputs from activity that is subject to the provisions of this agreement, including any reports issued by relevant inter-governmental forums. It will also comment upon the range of broader inter-governmental relations work undertaken during the year, including dispute resolution. That report will also, provide as much information as is practicable and appropriate of issues expected to emerge in the year that follows.

Appearances before committees

17. In line with the Parliament's overarching [Protocol](#) between Committees and the Scottish Government, Scottish Ministers will attend, as appropriate, meetings of the relevant committee of the Scottish Parliament when invited.
18. When issuing an invitation for a Minister to provide oral evidence the relevant clerk(s) should liaise with the Minister's private office in the first instance to determine a suitable date and time and should take into account the timing of Cabinet and other major Ministerial commitments already scheduled in the diary. When reasonable notice has been given, the Minister should give priority to attending the committee meeting.
19. Furthermore, the relevant committee(s) may invite Scottish Government officials alone (i.e. not accompanying a Minister) to attend a meeting for the purpose of giving oral evidence on any relevant matter which is within the official's area of expertise and for which the Scottish Government has general responsibility.