



Reflections on Scottish Government Environment and Forestry Directorate's and other Directorates' engagement with LINK and its members:

Confidential response to Bridget Campbell, Director for Environment and Forestry in the Scottish Government (SG)

### **Background**

Following a meeting in May 2018 between LINK representatives and Bridget Campbell, Ian Jardine and Katriona Carmichael, which discussed SG's review of stakeholder engagement and its exploration of models for very strategic engagement in the future, LINK's reflections were invited.

LINK undertook to find out members' views of strategic stakeholder engagement. There follows a summary of LINK and members' experience and observations, with some recommendations for development to enhance the process of engagement for all concerned and for the relevant objectives.

### **Contact with civil servants**

LINK members and LINK work area leads<sup>1</sup> had many positive comments about access to and contact with officials, reporting good experience of engagement, a reaching out by responsible civil servants, and regular constructive meetings: across LINK's work areas there has been very good liaison with SG on Brexit issues, on the Land Use Strategy more recently, and on Marine issues. In contrast, engagement around future Agriculture policy has been relatively poor.

There is frustration at the lack of focus and action to deliver on biodiversity targets. Members hope that this will be rectified as SG seeks to work with SNH and other stakeholders to address post-Aichi policy ambitions. There is no clear process at the moment, but members hope to be fully involved.

Many staff in the Environment Directorate have always been open and willing to have informal catch ups between formal consultation activities. These are important for relationships and for frank conversations and we would like them to continue. With staff changes and the demands of Brexit, some of that regular contact has reduced. Notable exception is interaction with civil servants working on Brexit related policies and forward planning.

LINK and members also recognise that our sector needs to make even more effort to liaise with civil servants in other Directorates and departments. However, the sector's efforts are significantly impacted by lack of appetite from other Directorates to engage in a meaningful way.

***With many changes in personnel affecting relationships, communications about the changes across the civil service could be much improved by departments clarifying a point of contact to advise on staff changes and***

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<sup>1</sup> Conveners of LINK' strategic Groups, Leaders of a number of its Subgroups

***changing roles, and how previous roles will be taken forward. A regularly updated organisational chart would be very helpful.***

### **Ministerial meetings**

In general, members report that if meetings with Ministers are needed, they happen, albeit with a certain time lag. For many of the smaller bodies their issues are communicated via their involvement in LINK work areas. For LINK, access to Ministers is generally good, though there is a lot to cover at ever shorter and less regular meetings, so LINK focuses on the strategic aspects. LINK members try to maintain engagement in following up these meetings, but this has been very difficult at times. For example, LINK received a response to its letter with substantive points which followed a meeting with a Cabinet Secretary, several months later. This hampers dialogue.

The split of portfolios between the two Cabinet Secretaries can be unhelpful in the round as it can be used to 'pass the buck'. The recent appointment of the Minister for Rural Affairs and the Natural Environment may prove helpful, or may add to the problem. LINK and members were surprised that for the first introductory meeting with her in November, officials were very clear that she should not be pressed on specific issues, one of the reasons being potential confusion between portfolios: given the urgency around issues, and the intervals between such meetings, this did not seem appropriate use of time. We would expect the division of portfolios to be cleared as soon as possible.

### **Stakeholder Forums**

When there is a need for environmental/sustainability input to stakeholder dialogue, LINK recognises it is important to be involved in a meaningful way; this is part of the network's strategy and where LINK can provide considerable added value. LINK will seek places on forums it considers relevant and the network aims to engage properly where we get the chance to do so.

LINK and its members were pleased to see the creation of a reference group for the Environment Strategy process and hope this will continue. LINK hopes that if the First Minister's Advisory Group on Europe and its subgroups are to continue operating, there will be a LINK representative there too.

***LINK and members, with regard to stakeholder forums and processes, would like to see more clarity about their terms of reference and timescales for delivery, given the resources which these processes demand of all participants.***

There are frustrations, stretching back over years of engagement in stakeholder groups across Scottish Government. From LINK's perspective, these problems stem from weak leadership of the groups/processes, unclear remits and terms of reference, late circulation of papers and poor chairing of meetings, leading to ill-defined outcomes. Some stakeholder groups are perceived to function as a way for different parts of the public sector to catch up, rather than to progress the agenda in collaboration across the sectors; while these can be useful for networking, that is not the reason normally cited for their establishment.

LINK has raised those concerns many times with relevant Ministers and civil servants but has received little reassurances in response and very little if any progress happens.

On the Scottish Biodiversity Strategy, where LINK had been involved in the previous stakeholder structure, currently there is no LINK involvement in the high-level groups; given the eNGOs' roles as deliverers this has caused concern. Very recently and in response to LINK's raising these concerns, SNH has invited LINK to provide views on how to adapt current governance for post-2020 work. LINK is relieved at this invitation,

though surprised that collaboration with the eNGO sector was not built into SG strategy at the outset. There is ongoing lack of clarity about forward plans particularly as recent email conversations suggest that there is no planned ENGO representation at the top end of the Scottish Biodiversity Strategy governance structure: the Biodiversity Coordination Group and Environment and Economy Leaders Groups will have no representation from the NGO community.

On many stakeholder forums, the environmental interest is heavily outweighed by industry/ business representation, in terms of the diversity and number of representatives. Given the intentions of the National Performance Framework, a more fair and equal balance of interests would be appropriate and welcomed.

There is increased frustration at the absence of recognition of LINK members as relevant stakeholders in the context of rural affairs. There have been no ENGO representatives among the Agriculture Champions, the National Council for Rural Advisors nor the recently announced Simplification Taskforce. ENGOs reps were only invited as part of the CAP Greening review which is not only limited to the CAP but also perpetuates the approach of policy silos. As a result, the content of these groups' outputs is very weak on environmental and sustainability matters, because these are not adequately represented. These outputs are consequently open to the criticism which eNGOs are forced to make.

LINK and members often feel that there is a silo-ing and a partitioning of interests which is unhelpful and does not facilitate integrated discussions towards stated policy or strategic goals.

As mentioned above, eNGOs (and other rural stakeholders) have been excluded from influential groups, such as the National Council of Rural Advisers or the Agriculture Champions; this is in contrast to a more open and transparent process adopted by other parts of Scottish Government such as Marine Scotland where ENGO marine groups were represented in multi-stakeholder groups discussing implications of EU exit or key topics such as aquaculture.

We understand that a key factor in the approach taken by Marine Scotland was an open and proactive approach in seeking varied stakeholder participation. ***It would be productive if this process were emulated by other parts of Scottish Government.*** For example, we understand that there is ongoing thinking about future structures to support the delivery of the National Performance Framework outcomes. It would have made sense to seek to engage stakeholders in this process early on.

***In LINK's combined experience, if a stakeholder group is being set up to address a particular issue it requires all of the following features to have a chance of success:***

- ***strong senior leadership***
- ***adequate funding and secretariat support***
- ***clear written objectives, clear terms of reference and agreed by all members of the group at the outset***
- ***agreed written list of members, which organisations/interests they represent and whether substitutes are acceptable***
- ***a schedule of meetings agreed at least three months in advance on a rolling basis***
- ***clear agendas for each meeting, circulated at least one week in advance***
- ***minutes and action points circulated within one week of the meeting***
- ***review and evaluation of process and outcomes which involves all participants, carried out before the group is dissolved***

#### **Consultations – some general observations**

LINK responds to many consultations, when this adds value in terms of clarifying key issues for the eNGO sector, and the network appreciates the access it has to government and its agencies, along with other

stakeholders, in respect of helping to shape content of consultations before the formal consultation period begins. While LINK and members advocate for the environment to be the context in which economic activity operates, and so essential to long term prosperity, the sector is aware that not all decision-makers are onside with this thinking. Our responses generally flag up opportunities which would take forward aspirations of other relevant national strategies and action plans, and where and how action would contribute positively to the SDGs.

In some recent instances, such as the lengthy pre-consultations on the Planning Bill, very little of LINK's input was taken into the public consultation, which demonstrated surprisingly and disappointingly little read-across with national priorities such as climate change, biodiversity, community empowerment, and land reform. From our perspective, it appears that a narrow short-term economic agenda was being pursued, which has since been robustly challenged by Parliament. We question whether that is a good example of good governance, effective use of public resources in consultation terms.

We note a tendency for new strategies, such as the current draft Forestry Strategy, to be worryingly short on content, and fear that narrow economic drivers are at the root of this trend. Similar worries were expressed with the proposed Environment Strategy. This will not support Scotland's endeavours to meet international and domestic commitments on environmental protection and sustainability.

### **In summary**

Whilst there is much activity coordinated by Scottish Government, in some important examples it appears that the underlying culture in certain parts of Government continues to view sustainability and environmental imperatives, and the eNGO sector, as anti-business, anti-economy. As environmental and economic challenges show, and LINK's activity over recent decades demonstrates, this is not the case. Scotland needs to move on from this unhelpful barrier point, and LINK and its members remain keen to help progress.

Scottish Environment LINK  
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