

Referendum and Constitutional Change

Introduction

UNISON is giving initial consideration to the constitutional debate and proposals to hold a referendum on independence. There is an immediate requirement to respond to Scottish and UK Government consultation papers on the organisation of any referendum. Then we need to give consideration to the substantive issues of independence or greater devolution or the status quo.

UNISON has a broad policy position that supports greater devolution of powers to the Scottish Parliament. However, we believe that as the debate develops, UNISON needs to focus our response around what sort of Scotland UNISON members would want to live in. That position will then influence our view on which constitutional settlement would best achieve those aims.

Independence referendum

The Scottish and UK Governments have published consultation papers on the proposed referendum. They cover similar issues including:

- Referendum Question: Scottish Government preference is "Do you agree Scotland should be an independent country?"
- Devolution Question: Scottish Government prepared to consider. UK favour single question for clarity of outcome.
- Legality: Different views on legality but recognition that a Section 30 order would minimise risk of legal challenge.
- Franchise: Broad agreement that same as for Scottish Parliament elections. Scottish Government wants to extend to 16/17 yr olds.
- Timing: Scottish Government want October or November of 2014. UK wants it earlier to remove uncertainty.
- Funding: Cost around £10 million. Spending limits in place to keep the contest fair.
- Oversight: Agreement seems possible around an Electoral Management Board (EMB) overseen by the Electoral Commission, reporting to the Scottish Parliament.
- After the Referendum: If a Yes result, negotiations would take place on transitional arrangements and the transfer of powers, liabilities and assets. Also negotiations on Scotland's place in wider world. Finally, legislation in both parliaments to enact the negotiated settlement.

What is independence?

Members need to know what sort of independence they are voting for and how it will impact on their jobs, family etc. Issues that have been identified so far include defence, monarchy, welfare benefits, pensions, bank regulation, currency, workers rights and EU membership.

KEY POINTS:

- **The UK and Scottish governments have published consultation papers on referendum process issues.**
- **There are some significant differences in approach**
- **Clarity is needed on what independence means.**
- **UNISON is supporting the development of a further devolution option.**
- **We are also developing a vision for Scotland that will influence our position on the referendum.**
- **Branches have been asked to consult members on these issues**



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The Scottish Government has said it will publish a comprehensive white paper setting out full details of the offer to the people of Scotland after the Referendum Bill receives Royal Assent. That is likely to be November 2013.

The Scottish Affairs Committee at Westminster is also conducting an inquiry into this issue.

Devolution

UNISON Scotland campaigned for a Scottish Parliament. We have not supported federalism or independence. We also supported the Claim of Right that acknowledges the right of the Scottish people to determine the form of government best suited to their needs. We have also argued that a range of further powers should be devolved to the Scottish Parliament. The key principle should be *subsidiarity*, the idea that matters should be handled by the smallest (or, the lowest) competent democratic authority.

There is clearly strong support for further devolution. However, there is not one agreed model or definition of the 'devo-max' concept. UNISON will therefore support the development of a devolution question that may be able to be incorporated into the referendum. This requires the coming together of Civic Scotland and early steps have been taken to facilitate this through the STUC.

Vision for Scotland

Important though the constitution questions are UNISON believes that we should focus on the kind of Scotland we would want to live in. Whether independent or devolved, that will be our members' priority.

UNISON Scotland has a wide range of policies that we believe would make a better Scotland. These focus on democratically accountable public services and sustainable economic growth to support them. We would want a more equal society that ends poverty, improves healthy life expectancy and respects all cultures. A Scotland that is a voice for peace and justice in the world without nuclear weapons.

We will be consulting members on developing our vision for Scotland. This will influence our view on which constitutional settlement would best achieve those aims.

Next Steps

UNISON Branches have been asked to:

1. Consider the consultation documents issued by the Scottish and UK governments and feed back views on the issues raised by 28 February 2012.
2. Consider what further powers should be devolved to Scotland in a proposal that could be clear enough to be voted on in the referendum.
3. Begin consideration of what should be included in UNISON Scotland's vision for Scotland.
4. Prepare for consultation with members over a UNISON position on the referendum. This is likely to take place later in 2013 when the Scottish Government offer is published.

A more detailed discussion paper has been circulated to branches. The Scottish Committee will consider responses to the government consultations in March. The April Scottish Council will give initial consideration to the broader issues.

Further Information

Scottish Government consultation – Your Scotland, Your Referendum
<http://www.scotland.gov.uk/Publications/2012/01/1006>

Scotland Office consultation – Scotland's Constitutional Future
<http://www.scotlandoffice.gov.uk/scotlandoffice/16424.html>

The Westminster Scottish Affairs Committee inquiries.
<http://www.parliament.uk/business/committees/committees-a-z/commons-select/scottish-affairs-committee/news/referendum-inquiry-tor/>

SNP's campaign publication 'Your Scotland-Your Future'
<http://www.scotlandforward.net/media/scotland-forward.pdf>

UNISON submission to Calman Commission on Devolution
<http://www.unison-scotland.org.uk/response/calman2response.html>



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