



Response to UK and Scottish Government consultations on Scotland's constitutional future

Introduction

UNISON is Scotland's largest trade union representing over 165,000 members delivering services in the public, community and private sector. This paper sets out UNISON Scotland's response to the UK Government's consultation paper '*Scotland's Constitutional Future*' and the Scottish Government's similar consultation '*Your Scotland – Your Referendum*'.

Both of these papers deal with the process of a referendum on Scotland's constitutional future. While UNISON Scotland has a view on these issues it is not our starting point. UNISON Scotland will focus our response to constitutional change 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.

Consultation Issues

1. Legality

We recognise the different views on the legality of the Scottish Government holding a referendum on a reserved issue. While we have no view on the differing legal opinions we support a Section 30 order in order to minimise the risk of a legal challenge from individuals or others. We do not want to invest time and effort into a process that founders in the courts.

2. Referendum Question

We believe that the independence question needs to be clear and unambiguous with a simple yes/no answer. We note the arguments around the potential for the Scottish Government's preferred question to be considered a leading question. UNISON Scotland therefore believes "Should Scotland become an independent country?" is the most appropriate wording.

3. Devolution Question

UNISON Scotland campaigned for a Scottish Parliament and 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.

All opinion polls show that there is strong support for further devolution. However, there is not as yet one agreed model of extended devolution that commands a sufficient consensus. UNISON will therefore support the development of an extended devolution proposal that may be able to be incorporated into the referendum. Until that work is completed we are not in a position to express a view on a second question.

4. Franchise

We agree that the franchise should be as for Scottish Parliament elections i.e. limited to those who are resident in Scotland. UNISON has long supported extending the vote in all elections to young people and therefore we agree that registered 16 and 17 year olds should be able to vote in the referendum.

5. Timing

UNISON Scotland supports holding the referendum in the autumn of 2014. We recognise the risk that such a long delay will increase uncertainty and potentially distract from more pressing issues. However, as we support in principle the development of a second question on extended devolution this timetable will allow time to reach a consensus across Civic Scotland on this issue.

While we support the Scottish Government's proposal for the timing of the referendum we do not support the entire timetable. We can see no justification for delaying the White Paper on independence until December 2013 at the earliest. The extended timetable before the referendum is also an opportunity to debate what exactly is meant by independence. As this is the Scottish Government's preferred option the onus is on them to publish their detailed proposals at the earliest opportunity (early 2013 at the latest) to allow the people of Scotland to fully understand the consequences of independence.

6. Oversight

We believe that the referendum should be conducted by an independent commission and accept that the Electoral Commission has the appropriate expertise to perform this function. This Commission should also draw up strict rules that limit campaign expenditure.

Conclusion

UNISON Scotland believes that the referendum on Scotland's constitutional future is too important to be rushed. However, that time should be used effectively by Civic Scotland to develop a credible proposal for extended devolution and the Scottish Government to publish its proposals on independence without further delay.

UNISON Scotland understands the need for this early emphasis on fair procedures and independent oversight. However, we believe the debate should move on to consider a vision for the sort of Scotland we would want to live in, against which we can judge constitutional proposals. We intend to fully engage our members in that process.

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