

Scottish Government communications to Parliament
seen from a
Popular Sovereignty / Direct Democracy (DD) perspective

ScotGov Consultation Analysis					ScotGov Policy Memorandum	
Analysis performed by	Location of the Red Flag warning	Wording of the Red Flag	No. of replies	wecollect.scot Opinion ¹	ScotGov Conclusion	wecollect.scot Opinion ²
1. Victims, Witnesses and Justice Reform Bill: Consultation Analysis of 12th July 2022					Policy Memorandum of 25th April 2023	
Why Research	Executive Summary on page 1, in other words Up Front .	<i>“While the consultation gave all who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to a wider population outwith the respondent sample.” (Page 1, “Respondent profile”).</i>	179	Very misleading	<i>“The Bill content is the product of significant engagement with the general public” (Page 12, Para.52).</i>	Untrue
2. Gender Recognition Reform Bill : Consultation Analysis of 2nd September 2021					Policy Memorandum of 2nd March 2022	
ScotGov	Introduction section on page 4, in other words Well Hidden .	<i>“It is important to note that as with any public consultation exercise, those responding generally have a particular interest in the subject area and the views they express cannot be taken to be representative of wider public opinion.” (Page 4, Para 1.15).</i>	16,843	Very misleading	There is no statement about consultation with the wider general public.	Very misleading
3. Hate Crime and Public Order (Scotland) Act: Consultation Analysis of 27th June 2019					Policy Memorandum of 23rd April 2020	
Alison Platts, Dawn Griesbach and Fiona Mackay	Executive Summary on Page 1, in other words Up Front .	<i>“As with all consultations, the views of respondents cannot be considered to be representative of the views of the wider public. Thus, the main focus in analysing the responses is not on identifying the number (or proportion) of respondents holding particular views, but rather on understanding the range of views expressed” (Page 1, Para. 3).</i>	1051	Very misleading	There is no statement about consultation with the wider general public	Very misleading
Alison Platts, Dawn Griesbach and Fiona Mackay	Introduction section on Page 7 expanding on the Up Front Red Flag.	<i>“As with all consultations, the views submitted and presented in this report are not necessarily representative of the views of the wider public. Anyone can submit their views to a consultation, and individuals (and organisations) who have a keen interest in a topic – and the time, ability and capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population.” (Page 7, Para 1.16).</i>	1051	Very misleading	<i>“...the majority of individuals were not supportive of hate crime laws” (Page 11, Para. 44).</i>	ScotGov ignored the opinion of the majority of individuals responding

¹ This is the author’s professional opinion on the quality of the three consultation analyses above as information for the wider general public.

² This is the author’s professional opinion on the manner in which the three Policy Memoranda above have described ScotGov’s engagement with the wider general public.