

[Redacted]

From: Richards N (Nicola) <[Redacted]@gov.scot>
Sent: 03 November 2018 02:10
To: Richards N (Nicola) <[Redacted]@gov.scot>
Subject: Official sensitive - sitrep on sexual harassment

Official sensitive - sitrep on sexual harassment

24 November 2017

18:17

Subject	Official sensitive - sitrep on sexual harassment
From	Richards N (Nicola)
To	Permanent Secretary
Cc	Mackinnon J (Judith); Richards N (Nicola)
Sent	23 November 2017 18:26
Attachments	<<Update for Perm Sec 231117.docx>> <<Sexual Harassment Communications Outline Plan (2).pptx>>

[Private Secretary 2]

As promised, here is an update for Perm Sec on where things stand under the main headings of the response on sexual harassment.

I know that Perm Sec is wrestling with her own next steps on this and so I have included some advice on this which we'd be keen to think through further with her.

Live issues

Gillian and the HR team are continuing to gather cases. The latest update is attached.

Perm Sec will want to be aware of the following included in the attached:

Reports to GR and BA of allegations against former minister.

2 statements taken by GR and BA from members of staff

Reassurance given that no action will be taken without consultation with them. Gillian Russell

Barbara Allison

SG HR

We now need to work through our organisational response and to agree that with the individuals.

Perm Sec may wish to take a role in this as a signal of the importance with which this is viewed and determination that these situations will not be acceptable in the future.

We would need to consult with the individual before disclosing to another party or the police because of the risk of the matter getting into the press and the individuals being identified. We have a duty of care for our staff which means we shouldn't do something that puts them at risk – so if they don't want us to share information or go to the police, it would be very difficult to justifying

doing so (without putting them at risk of being identified and wider impacts). So our duty of care extends in both directions: is there a live threat from which they need to be protected?; would us acting on their behalf actually expose them to possible harm/risk?

Perm Sec may want to discuss with Gillian, Barbara, Judith and I next week so that we can reach a view on the best way ahead.

Policy Review

Ministerial Complaints – process for former and current ministers agreed with Perm Sec; final content for inclusion in policies being finalised by James H and HR.

Fairness at Work policy stage 1 – additions to reflect Gillian's role and increased PA role at earlier stage for sexual harassment cases. Complete.

Improved Saltire content: to cover Standards of Behaviour and a Route Map for raising issues. In progress.

Fairness at Work policy stage 2 – developing new package of policies and processes across grievance, bullying/harassment and conduct for roll out in the new year.

Communications

Plan as shared before is continuing with messages and blogs

The plan for the [Redacted]/[Redacted] blog is now for it to link to improved saltire guidance on standards of behaviour to shift the language towards positive and inclusive cultures.

I hope this is helpful.

Nicky

Summary of Issues raised as a result of the Perm Sec's staff communication
As at 23 November 2017

Complaint	Action taken	Who involved
[Redacted]	[Redacted]	Line manager HR Professional Adviser Team
[Redacted]	[Redacted]	HR Professional Adviser Team
[Redacted]	[Redacted]	HR Professional Adviser Team
Reports to GR and BA of allegations against former minister.	2 statements taken by GR and BA from members of staff Reassurance given that no action will be taken without consultation with them.	Gillian Russell Barbara Allison SG HR
[Redacted]	[Redacted]	Gillian Russell SG HR Director
[Redacted]	[Redacted]	Gillian Russell HR Professional Adviser Team
[Redacted]	[Redacted]	HR Professional Adviser Team Perm Sec response
[Redacted]	[Redacted]	HR Professional Adviser Team

There are 3 levels/types of communications

Global communications: 'crisis' management.

I feel that senior leadership recognises and deeply cares about this situation

The timing should be based on the scale of the issue and the information that we need to convey.

At a maximum fortnightly

- Lead in as a Perm Sec message
- But with a follow up blog from an appropriate 'other' voice and promotion of factual guidance or information on procedures or support
- And be complimented by local engagement activity rooted in the diversity outcome/positive inclusive culture narrative and work priorities

Targeted communications: 'case' management

I feel that I/others affected are being professionally supported

I want to know where to go, what I can expect and how big the scale of the issue is in the organisation.

- Individuals can approach Gillian Russell in confidence if they wish to talk through experiences and consider what they would like to do
- Nicky Richards and Judith Mackinnon are leading our professional response and they and the team can be contacted directly
- Focus on the professional service, on our policy and standards.
- Lead into our story of shifting to early intervention and supporting people before issues becomes serious

Strategic communications: 'culture' development

I feel that we all take responsibility for our culture and are active in shaping the positive and inclusive culture

This is the day to day, week to week work to open workplace dialogue and challenge around how we treat each other and enable positive and inclusive cultures

- Lead voice from [Redacted] and DGs (as DGs and champions), also would expect unions to be visible

Key messages to draw on in communications

- We will not tolerate unacceptable behaviour - of any kind, by anyone. 'What you permit, you promote' – important that unacceptable behaviour is challenged and addressed before it takes hold.
- Our professional support and procedures are effective in identifying, addressing and responding to instances in the workplace
- Our culture is one in which people are able to raise concerns, check in on each other and reflect on their behaviours and practices and how they may impact (advertently or inadvertently) on others
- Important to be open and share experiences, although difficult. We know colleagues are doing that and we'd like to enable that to continue if there is more we need to know and talk about.
- Given the above and in light of what we know [i.e. the 'new' information you want to tell people which may come all in one message or be spread out]
 - We want to ensure people are appropriately supported at every stage of raising a concern. So we have established a confidante role (Gillian Russell), clarified HR contacts (Judith Mackinnon, [Head of Branch, People Directorate 3], [Head of Branch, People Directorate 4] and highlighted sources of advice and support (Welfare Officer, EAP).

(We can follow up on the detail in Judith Mackinnon blog piece and then plan future communications that eventually take this into early intervention agenda and plans more generally on any issues affecting wellbeing/performance)
 - We will share the insights from work on specific interventions and organisational activity to enable positive and inclusive cultures flowing from last year's People Survey results into this years.

(Follow up in [Redacted] blog on bullying and harassment and then plan future communications that would take us into engagement activity through networks and Directors on diversity outcomes and embedding that/making it real locally)
 - We've fast tracked a review of our [fairness at work/conduct & discipline] to ensure sexual harassment and all other unacceptable behaviours are explicitly referenced and standards are accessible and clear to everyone.

(Follow up through the saltire page update and then lead into future communications on policy and process changes and support, education and advisory routes to enable and support consistently good people management)

6 week communication plan that integrates these

Please note that this looks like a lot of activity, but it is multi channel activity that is reinforcing whatever message is going out by Perm Sec – bringing in another ‘voice’ alongside hers and linking blog/stories to factual guidance or support routes

w/c 13 Nov

- [Perm Sec All Staff message #2](#) - follow up to previous message, announcing Gillian in confidante role, reinforcing commitment
- Entry in [Perm Sec Weekly Look Back](#) **if** weekend coverage you want to acknowledge
- Potential [Blog piece on ‘why diversity matters?’](#) – personal story of a colleague’s transgender experience to link with external transgender communications so you could include message about how we support and value differences and treat people with respect
- Ask [Directors to engage their senior teams](#) to ensure that everyone feels able to speak up. With [proactive engagement from Comms, Ministerial Offices \(Barbara Allison\)](#) specifically around private offices (current and former) and other areas of concern.

w/c 20 Nov

- [Perm Sec](#) - reference developments in weekly look back – e.g. relevant discussions/sessions (or as below if Perm Sec Weekly Look Back is replaced by Economy Blog)
- [Blog from Head of Professional Advice](#) (Judith Mackinnon) – could cover drop in sessions if people want to talk to our professional advisors or reinforce opportunity to raise and share experiences as a saltire piece in 22/11 Or 2) on yammer and linked to from Perm Sec Weekly Look Back if it goes ahead on 20/11)
- Link to [updated saltire pages on standards of conduct \(e.g. leaflet\)](#) from blog and/or saltire home page box

w/c 4 December

- [Perm Sec All Staff message](#) **if** something new to say/otherwise reference in weekly look back
- [Blog from Bullying and Harassment Champion](#) [Redacted] on targeted interventions/response to last year’s People Survey (Slot on Saltire held for 6/11)
- Link to update / in depth information on external advice and/or support services from the blog and/or saltire home page
- DG Allies to host drop in sessions of mixed groups (i.e. specifically not gender or diversity characteristic specific audiences, but mixed audiences reflecting the fact that anyone may be affected by sexual harassment) – using DG Allies as you want to set this in the context of wider work on inclusivity and our equality improvement journey