

From: Richards N (Nicola) <[Redacted]@gov.scot>
Sent: 07 November 2017 18:25
To: [Redacted - Head of Branch, People Directorate 2] <[Redacted - Head of Branch, People Directorate 2]@gov.scot>; Mackinnon J (Judith) <[Redacted]@gov.scot>; [Redacted - [Redacted - Head of Branch, People Directorate 1] <[Redacted - Head of Branch, People Directorate 1]@gov.scot>
Cc: Richards N (Nicola) <[Redacted]@gov.scot>
Subject: RE: Sexual Harassment scenarios (2).pptx

Thanks all

Very much appreciated, it was so helpful to have these to refer to for Perm Sec and a great piece of work in such a short window. I think there's a couple of small tweaks to make – these may be being picked up already via James H and the docking in of the Ministerial Code approach.

We can catch up tomorrow in SH to finalise.

My rough notes for and from the conversation with Perm Sec and [Redacted] are below. Judith – we can discuss the wider points tomorrow.

- Phase 1:
 - Review
 - Policy and process review - F@W / Conduct
 - Opportunity to look at independent option - something apart from the option of EAP / HR - let's put an external route in place which people can use to tease out what if anything they wish to do [ACTION]
 - How do we get clear on the speed of process so that we review and take action whilst balancing fairness – at the moment feels more skewed towards formality of process rather than swift action (although recognise this needs to be part of an early intervention approach – hence phase 2)
 - If person shares something but doesn't want to take further then can feel complicit. May get to a point where have to say, depending on context:
 - We have to act in some way because of duty of care to others as well as you
 - Finding a way to record the situation with someone so that both are clear that it was agreed that no further action was wanted.
- Phase 2:
 - Opportunity to reset the culture - People Plan context, early intervention, positive cultures
 - Early intervention and management practice – what is our programme for building capability?:
 - Positive and inclusive cultures work:
 - targeted work with senior teams [LE keen to have ET discussion on this informed by People Survey]
 - engagement and awareness raising with directors etc
 - Broader awareness and management practice – what is our sheep dip development programme for managers?
- Ministerial position
 - Escalate to FM on Ministerial Code basis with Perm Sec advising
 - Different roles
 - FM responsibility in coming to a view and determining sanctions against Ministers

- Perm Sec responsibility for duty of care to staff and supporting FM to come to a view
- Set out these roles / responsibilities for Perm Sec / staff and FM / ministers
- Highlight parallel processes: ombudsmen etc
- If former minister then could be a party process – need to be clear for an individual raising an issue that we / FM may not have a clear sanction.
- How do we provide sufficient support and space for an individual to get closure / validation so that they feel a sense of resolution and don't feel as if they have no other options.

Communications

- Go back out on the next set of communications with an update and include in that something which gives options for support including external source / sounding board.
- Could the comms include referring people to other writing and source materials on this as options for generating discussion or debate
- What could people share by way of their stories? What are the routes into illustrating the spectrum? Can comms come up with some thinking on this?
- Need to keep communicating on the progress so that there is a thread on this and the sense of a shift in culture can be felt and understood – we are serious about this.
- Might a retrospective apology be appropriate at some point...? I know that some of us will have experienced during our careers which should not have been acceptable... Determined that won't be the case in the future.
- Opportunity to get together some groups to consider what would enable culture to shift and for people to raise issues in the future. Paul J happy to convene some male groups as part of this.

From: [Redacted - Head of Branch, People Directorate 2]

Sent: 07 November 2017 16:20

To: Mackinnon J (Judith); Richards N (Nicola)

Subject: RE: Sexual Harassment scenarios (2).pptx

<< File: Sexual Harrassment - pathways.docx >>

Nicky,

Further to below, see attached word doc with some further notes on each of the categories in case helpful for your discussion.

[Redacted - Head of Branch, People Directorate 2]



[Redacted - Head of Branch, People Directorate 2]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Mackinnon J (Judith)
Sent: 07 November 2017 16:11
To: Richards N (Nicola)
Cc: [Redacted - Head of Branch, People Directorate 2]
Subject: Sexual Harassment scenarios (2).pptx

<< File: Sexual Harassment scenarios (2).pptx >>

Nicky

Attached flow chart (thanks to [Redacted]) to help inform the conversation with the Perm Sec, as per our discussions this morning. Grateful for feedback. [Redacted - Head of Branch, People Directorate 2] is continuing to work on the detailed supporting information so feedback will be valuable.

You can see that there is still the outstanding question to who would carry out an investigation into an allegation against a minister and also what appropriate action/sanction would be against a former minister.

Anyway – work in progress – [Redacted - Head of Branch, People Directorate 2] has worked very hard this afternoon to produce.

Judith