

From: Richards N (Nicola)
Sent: 13 December 2017 21:05
To: Mackinnon J (Judith) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted Head of Branch, People Directorate 1] <[\[Redacted Head of Branch, People Directorate 1\]@gov.scot](mailto:[Redacted Head of Branch, People Directorate 1]@gov.scot)>
Subject: FW: Official sensitive - policy on complaints against ministers

privately

this is helpful

N

From: Richards N (Nicola)
Sent: 13 December 2017 16:21
To: [Redacted Private Secretary 2]; Hynd JS (James)
Subject: RE: Official sensitive - policy on complaints against ministers

Thanks [Redacted Private Secretary 2]

Very helpful. I've also discussed with [Redacted] and we agree that this should cover all harassment. It would be very hard to justify a number of policies which took different approaches to different forms of harassment. From a duty of care perspective it is all the same.

I think we should review and broaden on that basis.

cheers

Nicky

From: [Redacted Private Secretary 2]
Sent: 13 December 2017 16:14
To: Hynd JS (James); Richards N (Nicola)
Subject: RE: Official sensitive - policy on complaints against ministers

Hello all

I've spoken to Perm Sec. She and FM think should be about all harassment rather than only sexual harassment. They couldn't think of a situation where harassment not be covered.

But if there was

a) reason we consider that should just be sexual harassment and

b) we can show that we have other policies and approaches that reference/ align on other forms of harassment with this process

Then we could look at this process just being for sexual harassment. We would need to be able to explain this to them both.

Depending on approach taken we might need to adjust the covering note to FM as her commission of 22 Nov was in relation to sexual harassment.

Happy to discuss.

[Redacted Private Secretary 2]

[Redacted Private Secretary 2] | [Redacted] | [Redacted] | [Redacted] | [Redacted]
| [Redacted] | [Redacted] | [Redacted] | [\[Redacted\]](#) | [Redacted]

From: Hynd JS (James)
Sent: 13 December 2017 14:18
To: Richards N (Nicola)
Cc: [Redacted Private Secretary 2]
Subject: RE: Official sensitive - policy on complaints against ministers

Nicky

I have the hard copy that FM annotated and this is focussed solely on sexual harassment. But [Redacted Private Secretary 2] is going to call LE to confirm one way or another.

On the Unions point, [Redacted Head of Branch, People Directorate 1] and I discussed earlier. It would be good to have a word about handling.

James

James Hynd

Head of Cabinet, Parliament and Governance Division

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Richards N (Nicola)
Sent: 13 December 2017 13:59

To: Hynd JS (James)
Subject: RE: Official sensitive - policy on complaints against ministers

In SH on way to SAH shortly for meetings from 3pm.

N

From: Hynd JS (James)
Sent: 13 December 2017 13:33
To: Richards N (Nicola)
Cc: Mackinnon J (Judith); [Redacted Private Seretary 2]; [Redacted Head of Branch, People Directorate 1] Subject: Re: Official sensitive - policy on complaints against ministers

Are you in SAH for a word? I am occupied in SGoRR For next 30 mins.

James

Sent from my BlackBerry 10 smartphone.

From: Richards N (Nicola)

Sent: Wednesday, 13 December 2017 12:44

To: Hynd JS (James)

Cc: Mackinnon J (Judith); [Redacted Private Seretary 2]; [Redacted Head of Branch, People Directorate 1] Subject: RE: Official sensitive - policy on complaints against ministers

Hi James

I was just looking at this version and wanted to confirm a point.

Perm Sec had deleted on her hard copy the reference that this should cover sexual harassment for complaints about the FM of the day. I understand that it was this amended version that she discussed and left with FM. Perm Sec's view was that it should cover all harassment and not just sexual.

Given that the policy is more widely framed as being about sexual harassment rather than wider bullying etc we may need to test this point directly with Perm Sec and FM before finalising, taking out the references to "sexual" throughout.

I can also see value in us sharing this in confidence with the unions before it is signed off – albeit they will recognise that there is limited opportunity to amend around the ministerial code aspects and the role of the FM in applying sanctions. As the release of exchanges from 2010 makes clear there would be little to be gained from not taking the unions with us on a change to HR policies.

grateful for thoughts.

cheers

Nicky

RE: Official sensitive - policy on complaints against ministers

12 December 2017

14:54

Subject

RE: Official sensitive - policy on complaints against ministers

From

Hynd JS (James)

To

Richards N (Nicola); Permanent Secretary

Cc

Mackinnon J (Judith)

Sent

12 December 2017 14:47

Attachments

<<Handling of complaints against current and former Ministers- Final Draft v7.0.docx>>

Nicky

[Redacted Private Secretary 2] handed me the FM's copy of the draft process which contained only one small and minor amendment. This is at para 12 and I have shown it in tracking mode.

The next step, I think, is for me to draft a reply from Perm Sec to FM's letter of 22 November which seeks her formal agreement to the process. I will circulate a draft for comment.

James

James Hynd

Head of Cabinet, Parliament and Governance Division

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Richards N (Nicola)

Sent: 07 December 2017 13:08

To: Permanent Secretary

Cc: Hynd JS (James); Mackinnon J (Judith)

Subject: FW: Official sensitive - policy on complaints against ministers

resend

From: Richards N (Nicola)

Sent: 06 December 2017 16:09

To: Permanent Secretary

Cc: Richards N (Nicola)

Subject: Official sensitive - policy on complaints against ministers

Team

As discussed with Perm Sec, we've done a further review of the policy in conjunction with James Hynd [Redacted]. This makes clearer the position of Perm Sec in relation

to the duty of care to staff and for ease separates out the processes for current / former.

Happy to discuss this if helpful. I can also update around touch points etc.

cheers

Nicky

<<http://intranet/InExec/AboutUs/OurOrganisation/HowWeDeliver/PeopleStrategy/PS>

>

Nicola Richards | Director, People Directorate |[Redacted] | [Redacted] |

[Redacted] [Redacted] [Redacted]

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