

OFFICIAL-SENSITIVE

From: Kenneth Hogg
Organisational Continuity

Deputy First Minister

SCOTTISH PARLIAMENT COMMITTEE ON SG HANDLING OF HARASSMENT COMPLAINTS: REQUESTS SENT TO INDIVIDUALS IN THE SCOTTISH GOVERNMENT

Purpose

1. To highlight issues raised in letters sent by the Committee to individual Ministers, a special adviser and civil servants, requesting individual written responses.

Priority

2. Immediate. We are meeting later today to discuss these issues. The Committee has set response deadlines of 4 August for Ministers and a special adviser, and 7 August for civil servants

Background

3. You are aware of the process under way to respond to a series of requests made by the Committee on 30 April and 19 May 2020 for information from the Scottish Government. That process is referred to in the Annexes to the Committee's letters sent to individuals and in summary involves the Scottish Government providing written statements and key supporting documents in relation to 4 areas of interest specified by the Committee:

- development of the Procedure;
- participation in the judicial review;
- how the SG handled the complaints; and
- the Ministerial Code and its application in this case.

4. The process of responding to these requests is coordinated by the Organisational Continuity Team (members of which have no prior involvement in these matters) and involves methodically collating relevant written information and input from individuals involved at the time, rigorously applying data protection legal requirements (for example notifying individuals in advance if their personal data is proposed to be released and reminding them of their legal right to object), redacting information in order to comply with multiple legal requirements including to ensure anonymity of complainants, securing agreement from Ministers to submit the documents to Parliament and then doing so via a secure electronic system. The process takes place under the governance of the Scottish Government's Senior Information Risk Owner [REDACTED], and to date has involved the processing of several hundred documents. DG OD&O also takes into account the Scottish Government's legal duty of care for its employees in overseeing this process.

5. The letters which the Committee sent last week are additional to those earlier requests which are being handled as described above, and are seeking individual responses.

Letters to Ministers and a special adviser

6. The Committee's letters of 7 July to FM, you, the Lord Advocate and Liz Lloyd have been published on the Committee's website, and are attached to this note. [REDACTED]

Letters to civil servants

7. Generic letters (ie the same text to each individual) were sent directly to [REDACTED] individual senior civil servants on 10 July. The Committee intends to publish the generic letter without the names of the recipients, but has not yet done so. A copy of the generic letter is attached. The key request contained in each of those letters is for a "chronological account of your actions in relation to the processes detailed above [ie the four topics on which the Committee has already sought written evidence from the Scottish Government]." Officials are not being asked for supporting documents beyond their chronological account. The letters also say "The Committee is mindful of the fact that it is contacting you in your capacity as an individual. [REDACTED]"

Discussion: [REDACTED]

[REDACTED]

- the letters contain contradictory information about the scope of what is being requested. Annexe A states "All evidence submitted should fall within the terms of the remit of the Committee's inquiry." That remit is: "To consider and report on the actions of the First Minister, Scottish Government officials and special advisers in dealing with complaints about Alex Salmond, former First Minister, considered under the Scottish Government's "Handling of harassment complaints involving current or former ministers" and procedure and actions in relation to the Scottish Ministerial Code." [my underlining] However, the letters then go on to state "Please note this covers the period from 2008 - 14 and up to the present and includes any information relevant to the Committee's remit which you may have in your current and/or any former role or capacity." It is questionable whether events as far back as 2008 are part of the actions taken by the Scottish Government in 2018 to consider complaints under a specific procedure, and in relation to the specific Ministerial Code referral;
- some of the questions are specifically about Party actions, and would require work to be carried out without civil service input.

Considerations

[REDACTED]

Discussion: letters to [redacted] senior civil servants

letters to [redacted] senior civil servants

10. Letters have also been sent to 6 senior civil servants, including the Permanent Secretary, requesting a chronological account of their actions in respect of the four topics which the Committee has already asked the Scottish Government about:

- development of the Procedure;
- participation in the judicial review;
- how the SG handled the complaints; and
- the Ministerial Code and its application in this case.

11. Relevant supporting documents are not requested.

12. The main point to note, which the Committee itself recognises, is the individual nature of the request. Under the extant guidance for civil servants giving evidence to Parliament, civil servants give that evidence on behalf of Ministers rather than on their own behalf. Relevant excerpts from that guidance are attached at Annex A. Civil servants can be asked by Committees to explain what actions they have taken but not to the extent that doing would breach the Civil Service Code and thereby breach the terms and conditions of their employment. That Code requires that civil servants to “act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government.”

Considerations

[REDACTED]

Conclusion

13. You are invited to consider this in advance of our meeting later today.

Kenneth Hogg
Director, Organisational Continuity
13 July 2020

Copy to:

Permanent Secretary
DG Organisational Development and Operations
[Redacted]
[Redacted]
Nicola Richards
Maureen Bruce
[Redacted]
James Hynd
[redacted]
[Redacted]
Colin McAllister

ANNEX A

EXCERPTS FROM ‘PARLIAMENTARY GUIDANCE NOTES – SG OFFICIAL EVIDENCE TO COMMITTEES OF THE SCOTTISH PARLIAMENT’

“3 ROLE OF OFFICIALS GIVING EVIDENCE TO COMMITTEES

Central Principles

3.1 It is important for officials to be fully aware of their constitutional position. A central principle of the relationship between officials and Committees is that officials give evidence to Committees on behalf of their Ministers, under their directions and with their approval. This in turn reflects the principle that it is Ministers who are directly accountable to the Parliament for both their own policies and for the actions of the Scottish Government.

3.2 Officials are accountable to Ministers and are subject to their instruction; but they are not directly accountable to the Parliament. This does not mean, of course, that officials may not be called upon to give a full account of Government policies, or indeed of their own actions or recollections of particular events. But their purpose in doing so is to contribute to the central process of Ministerial accountability, not to offer personal views or judgements on matters of political controversy (*see section 6 below on Status and Handling of Evidence*), or to become involved in what would amount to disciplinary investigations which is for the Scottish Government to undertake (*see paragraph 5.7 below on Conduct of Individual Officers*).

3.3 This guidance constitutes standing instructions to colleagues appearing before Committees. These instructions may be supplemented by specific Ministerial instructions on specific matters. It is for the Minister to engage the Committee on issues of policy and for officials to avoid being drawn into debates on policy options or advice to Ministers. It would be a breach of the [Civil Service Code](#) for an official to advise Members other than Ministers (*see paragraphs 4.7 - 4.9 below on Discussing Government Policy*).

3.7 Where a Committee indicates that it wishes to take evidence from a particular named official, Ministers will usually agree to meet such a request, but this is subject to two important qualifications:

(a) Ministers retain the right to suggest an alternative official to that named by the Committee if they feel that the former is better placed to represent them, or to suggest their own attendance in place of the official. While the Committee is under no obligation to accept the Minister’s proposal, it is open to the Minister to appear personally before the Committee in the unlikely event of there being no agreement about which official should most appropriately give evidence.

(b) It is not the role of Committees to act as disciplinary tribunals (*see paragraphs 5.7 to 5.11*). A Minister will therefore wish to consider carefully a Committee’s request to take evidence from a named official where this is likely to expose the individual concerned to questioning about their personal responsibility or the allocation of blame as between them and others. This will be particularly so

where the official concerned has been subject to, or may be subject to, an internal departmental inquiry or disciplinary proceedings. Ministers may, in such circumstances, wish to suggest either that they give evidence personally to the Committee or that a designated senior official do so on their behalf.

Discussion of Government Policy

4.7 **Officials should as far as possible confine their evidence to questions of fact and explanation relating to Government policies and actions.** Officials must avoid either suggesting or commenting on policy options or engaging in debate about the merits of the Government's policies and may provide only factual information or factual briefing.

Consulting Ministers on Evidence

4.14 Because officials appear on behalf of their Ministers, written evidence and briefing material should always be cleared with them. Ministers should always be given sight of information colleagues propose to disclose to Committees. As Ministers are ultimately accountable for deciding what information is to be given and for defending those decisions as necessary, their views should always be sought if a question arises of withholding information for which a Committee has asked or providing it on an 'in confidence' basis.

Conduct of Individual Officials

5.7 Occasionally questions from a Committee may appear to be directed to the conduct of individual officials, not just in the sense of establishing the facts about what occurred in making decisions or implementing Government policies, but with the implication of allocating individual criticism or blame.

5.8 In such circumstances, and in accordance with the principles of Ministerial accountability, it is for the relevant Minister to look into the matter and if necessary to institute a formal inquiry. Such an inquiry into the conduct and behaviour of individual officials and consideration of disciplinary action is properly carried out within the Government according to established procedures designed and agreed for the purpose, and with appropriate safeguards for the individual. It is then the Minister's responsibility to inform the Committee of what has happened, and of what has been done to put the matter right and to prevent a recurrence. Evidence to a Committee on this should be given not by the official or officials concerned, but by the Minister or by a senior official designated by the Minister to give such evidence on the Minister's behalf.

5.10 Committees will be aware that it is not their task to act as disciplinary tribunals. Accordingly, if in the course of an inquiry a Committee were to discover evidence that called into question the conduct (in this sense) of individual named officials, the Committee should be asked not to pursue their own investigation into the conduct of the person concerned, but to take up the matter with the Minister.

5.11 If it is foreseen that a Committee's line of enquiry may involve questions about the conduct of named officials, it should be suggested to the Committee that it would

be appropriate for a Minister or a senior official designated by the Minister to give evidence, rather than the named officials in question. If an official giving evidence to a Committee is unexpectedly asked questions which are directed at his or her individual conduct, or at the conduct of another named official, the official should indicate that he wishes to seek instructions from Ministers, and the Committee should be asked to allow time for this.

OFFICIAL-SENSITIVE

From: Kenneth Hogg
Organisational Continuity

Deputy First Minister

SCOTTISH PARLIAMENT COMMITTEE ON SG HANDLING OF HARASSMENT COMPLAINTS: STATEMENT ABOUT INVESTIGATION OF COMPLAINTS

Purpose

1. This submission asks you to agree an approach for developing a written statement from the Scottish Government (SG) for the Committee about the SG's handling of complaints; and asks for your views on timescales for submission.

Priority: Routine.

Background

2. The Scottish Parliament Committee On SG Handling Of Harassment Complaints wrote on 5 June 2020 requesting a statement plus relevant documents about the SG's investigation of complaints by the end of July 2020. This will be the third in a series of statements to be submitted by the SG. The first, on how the SG developed its harassment complaints Procedure was sent to the Committee on 19 June, in time for its meeting on 22 June as requested. The second, on the SG's participation in the judicial review, has been requested by mid-July, and we are on track to meet that timescale. Following its meeting on 22 June 2020 the Committee published a paper on its intended approach to its inquiry, which amongst other things reiterated the specific questions it wishes each statement from the SG to address. The Committee's paper is attached to this submission, along with a statement which the Committee has also published on how it intends to handle information and evidence.

Proposed approach to preparing the written statement

3. As for all 3 written statements, we intend that the third statement should answer the specific questions which the Committee has asked about this topic, as well as providing wider contextual information which enables the statement to be read and understood without wider knowledge and as a self-standing document. The specific questions asked by the Committee are: "what the process was in conducting the investigation; who conducted it; who took final decisions on the outcome of the investigation and when contact was made with Alex Salmond; and whether the findings were going to be published"

[REDACTED]

Timescales

6. The SG met the timescale set by the Committee for submitting the first written statement, despite it being moved forward by 11 days at short notice. We are also on

track to meet the deadline for submitting the second written statement about the judicial review, set as “mid-July”. The revised timescale set by the Committee for submitting the third written statement is however not feasible. On 19 May the Committee asked the Permanent Secretary to indicate when it could be submitted, and her response of 3 June said “as soon as possible, but it is unlikely to be before end-August 2020”. On 5 June the Convenor replied asking for it to be submitted by end-July 2020, or “if that is not possible, I would welcome a clear explanation of why that is the case”.

[REDACTED]

- we are undertaking this work during the summer period when key SG officials involved in its preparation and individuals whom we contact about their data protection rights may be on leave. Several of the key SG staff involved also have key roles in our COVID-19 response which remains the overriding corporate priority, and remote working also slows down the process.

8. In order to make as quick progress as possible, we have already secured additional staff resource to increase the size of our data processing team, and existing members of that team have given up planned summer leave. Nevertheless, the end-July date requested by the Committee is not feasible.

[REDACTED]

9. If any of these processes are completed more quickly than anticipated we will of course bring forward the completion date accordingly. We have considered the potential impact of this timetable on the Committee’s business. The Committee has indicated that it wishes to begin taking oral evidence, from the Permanent Secretary, in the week beginning 17 August 2020. It might therefore be preferable for all written evidence to have been submitted by then. However, the Committee has also said in its letter of 30 June (attached) that “In line with its previous decision, the Committee has agreed that it will approach the inquiry on a chronological basis. In which case, its initial evidence sessions will focus on the first phase of the inquiry relating to the development of the procedure on handling of harassment complaints involving current or former Ministers.” That material was submitted to the Committee on 19 June 2020

Conclusion

[REDACTED]

Kenneth Hogg
2 July 2020

Copy to:
Permanent Secretary
DG OD&O
Barbara Allison
Nicola Richards
Maureen Bruce
James Hynd

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
Colin McAllister

ANNEX A



The Scottish Parliament
Pàrlamaid na h-Alba

Committee on the Scottish Government Handling of Harassment Complaints

Leslie Evans
Permanent Secretary
Scottish Government
St Andrews House
Edinburgh
EH1 3DG

c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

BY EMAIL

SGHHC@parliament.scot

30 June 2020

Dear Ms Evans,

Thank you for your letter of 19 June in which you confirmed the transfer of information to the Committee in relation to the development of the harassment complaints policy.

I look forward to receiving further evidence requested within the timescales set out in my letter of 5 June.

Inquiry progress

You will be aware that the Committee met on Monday 22 June where we made a number of decisions in relation to the approach to our inquiry. Details of the Committee's initial [inquiry approach](#) can be accessed on our website.

We intend to spend the summer gathering written evidence from a range of witnesses. We will use this time to analyse the information and will invite witnesses to give oral evidence in light of the written evidence received. The Committee will give further consideration to the inquiry approach once this process is completed.

You will see from the approach that, in addition to the strands of the inquiry, as an ongoing theme we plan to consider the culture of the Scottish Government prior to the introduction of the procedure on handling harassment complaints involving current or former Ministers, in particular around the time of the events that led to the complaints.

You will also note that we wish to seek the views of a number of senior civil servants. We are taking this course of action as we wish to hear their personal views from this time period in order to build a picture of the culture of the organisation at the time.

Although it is normal protocol for Committees to make initial approaches through the head of particular organisations when seeking written evidence, unusually, in this inquiry we also wish to seek directly the personal views from individuals in order to get a full picture of the events. The Committee will therefore seek the views of individuals who worked around the then First Minister during the time of the events that led to the complaints. In which case, we will approach individual officials directly, as well as seeking any information in this context, from you which the Scottish Government may hold or which you consider relevant.

Here the Committee considers the reasonable person test should apply and “any information you consider relevant” would include information which, should it come to light, would be considered, by a reasonable person, to be information which should be disclosed in whichever form it takes.

There will likely be others whose views will help us in our inquiry work, including your own views if, again applying the same reasonable person test, you wish to share anything with the Committee beyond the formal submission we have received from the Scottish Government.

I confirm that the Committee will also seek information, relevant to our approach to the Inquiry, from the First Minister’s Chief of Staff directly.

I am therefore making you aware of this, as a courtesy and I would be grateful for your support in this piece of work. We would also welcome any information, again applying the reasonable person test, that you consider relevant to support the Committee in this piece of work.

Scottish Ministerial Code

The Committee is also now seeking information in relation to the Scottish Ministerial Code and the events that led to the First Minister’s self-referral under the Code.

The Committee seeks to establish who knew what and at what point, and to consider the nature of the meetings between the First Minister and Alex Salmond. In particular, the Committee seeks to establish how the distinction was drawn between Government and Party matters. In which case, we wish to obtain details of how meetings were set up involving the First Minister and Alex Salmond and the extent to which the First Minister’s private office was involved.

The Committee therefore asks to receive the communication between you and the First Minister during the period of events which led to the First Minister’s self-referral together with any communication you may have been copied into or are aware of having taken place in this context. This communication is in whatever form, whether on work or personal devices.

This element of the inquiry will also give general consideration as to whether the Code is fit for purpose; whether it is clear what course of action is required; whether there is too much discretion in its operation; and ultimately whether it protects integrity of public life.

We will be contacting a range of witnesses, including the First Minister, seeking their written views and supporting evidence.

I would be grateful to receive a written statement and accompanying information which addresses these points no later than the end of the summer recess but preferably by the end of July. For clarity, accompanying information can include but is not limited to letters, emails, text messages, WhatsApp messages, social media messages, and records of phone calls.

Oral evidence

In line with its previous decision, the Committee has agreed that it will approach the inquiry on a chronological basis. In which case, its initial evidence sessions will focus on the first phase of the inquiry relating to the development of the procedure on handling of harassment complaints involving current or former Ministers.

The evidence provided by the Scottish Government will provide the focus of this part of the inquiry. I am therefore taking this opportunity to provide you with advance notice of the Committee's plans to invite you and the appropriate supporting officials to give oral evidence on this in the week beginning 17 August.

I note from the staff survey in 2016 that a number of staff members reported that they had personally experienced bullying or harassment at work, however the number of formal complaints appears to have been low. This suggests that there was a possible lack of awareness of or confidence in existing processes and procedures at the time. It is likely the Committee will want to explore aspects of those procedures and what influence this had on the development of the new procedure during this evidence session.

The arrangements have still to be confirmed and so the Committee's officials will contact you in due course with more details.

Written agreement

Turning to a separate point, I undertook to respond to your request in your letter of 3 June for the Committee to enter into a data-sharing agreement with the Scottish Government.

The Committee has given this approach careful consideration. We understand that handling the information in relation to the inquiry will be a complex and careful task and we appreciate the sensitivities and complexities involved in the evidence gathering.

There is no question that the Committee will fully comply with its legal obligations and operate within the legal framework which applies. We have also agreed that we

will publish documents and information as a package rather than individually as they are received in order to mitigate the risk of jigsaw identification.

We therefore do not consider that there is a need to sign up to a specific data-sharing agreement.

We do recognise, however, for the benefit of all witnesses in the inquiry and in order to ensure transparency in our approach, that we need to make a public statement on how we intend handle evidence. The Committee has therefore published a [written statement](#) on the website which confirms that the Committee will adhere to the Parliament's legal obligations on the handling and processing of data.

Review of the application of the harassment procedure

Finally, I have a further query regarding the Scottish Government's review of the application of the harassment procedure which you addressed in your letter of 3 June. Media reports have suggested that this would be an external review. I would be grateful if you confirm if this is the case or if it will be an internal review. Could you also provide any update you have on the timescale for the completion of this review and the publication of its findings.

Please note that the Committee has agreed to publish all of its correspondence in respect of its evidence gathering on its website and so this letter will be published in due course. We will advise your officials when this is going to be done.

Best wishes

Linda Fabiani MSP
Convener
Scottish Government Handling of Harassment Complaints Committee

Sent: 16/04/2020 @ 14:46

From: Kenneth Hogg

To: Deputy First Minister

Subject: Official-Sensitive: Parliament Committee on the Scottish Government

Handling of Harassment Complaints: update

Cc: [Redacted], [Redacted], [Redacted], Permanent Secretary; DG Organisational Development and Operations; [Redacted], [Redacted], [Redacted], Colin McAllister; [redacted], Director Communications, Ministerial Support and Facilities; [redacted], James Hynd; Nicola Richards

Deputy First Minister

Purpose: to update you for on possible timescales for action by the Parliament's Committee on the Scottish Government Handling of Harassment Complaints. No decisions are required from Ministers at this stage.

Timing: routine. The Committee's Convenor may discuss next steps with Committee clerks early next week.

Background

The Committee's remit is: "To consider and report on the actions of the First Minister, Scottish Government officials and special advisers in dealing with complaints about Alex Salmond, former First Minister, considered under the Scottish Government's "Handling of harassment complaints involving current or former ministers' procedure and actions in relation to the Scottish Ministerial Code."

The Committee met for the first time on 20 February 2019 and indicated that it would begin its substantive inquiry once criminal proceedings about Alex Salmond had concluded. It also said that in the meantime it would consider factual background briefings and progress reports in relation to the legal proceedings. The Committee has met eight times in total (7 in 2019, 1 in 2020), and has taken an active interest in ensuring that documents and information held by the Scottish Government which may be relevant to its inquiry are preserved. The Scottish Government has confirmed to the Committee its full commitment to ensuring that all information held by the Scottish Government which is potentially relevant to the Committee's remit is preserved until such time as the Committee is in a position to commence its full inquiry. A range of steps have therefore been taken to preserve this information.

We understand that the Committee has been keen to make progress with its substantive inquiries, and had originally intended to seek oral evidence from the Scottish Government shortly after the conclusion of the criminal proceedings against Alex Salmond. Those plans changed because of the impact of COVID-19 on the workings of Parliament, and at this point in time we have no indication of when the Committee will be in a position to begin taking oral evidence.

Update

We should learn more in the coming weeks about the potential timescales for oral evidence being heard. A key question will be whether the Committee decides it is practically possible to hear oral evidence before summer recess.

The Committee may, however, seek to operate to different timescales in respect of requesting written evidence. We understand that the Convenor may be discussing with the Committee's clerks early next week whether written evidence should be formally requested now, to make more productive use of the period of time between now and oral evidence being heard. [Redacted] No formal request has been received so far (except for requests in 2019 for documentation about our document storage and retention policies and capabilities, which were responded to at the time). If a new request is received the Organisational Continuity Team will provide you with further, more detailed advice at that point [redacted] responding to the specifics of what has been requested. However it is possible to identify now the following generic factors which are likely to influence how we respond to any request and how long it will take:

- the scope of what is asked for. In 2019 the Committee essentially asked that the SG retain 'everything' – a definition which includes documents which would ordinarily not be kept as part of the Official Record in line with our long-established document retention policies. We therefore took immediate action at that point, in line with the Committee's wishes, to preserve all existing documentation of potential relevance to the Committee's remit. [redacted]
- the extent to which redactions are required. Every line of every document which falls within scope of any request will require to be manually checked and if necessary redacted in line with several sets of data handling obligations. These include: personal data which falls within the scope of data protection law (eg GDPR); any other obligations of confidentiality (eg assurances of confidentiality given as part of internal processes); other undertakings given previously by the SG given to Courts; any data which might contribute to disclosing the identity of 'complainers' in the recent criminal proceedings; legal advice privilege; and litigation privilege;
- the extent to which it is physically possible for SG staff to carry out this work while working from home due to COVID-19 social distancing. All Organisational Continuity Team members are currently working from home. In addition, we would need to find satisfactory online mechanisms which enabled senior official and Ministerial oversight and approval for all documents being released;
- the availability within the SG of staff with the required skills and expertise, and of Ministers, to carry out this work at a time when dealing with COVID-19 is the overriding priority;
- the extent to which the Scottish Government has assurances about the future security and confidentiality of data/documents which it hands over.

Conclusion

If and when a formal request for documents is received from the Committee, before processing any data we will provide further advice and seek your agreement to the

approach we recommend taking, bearing in mind the factors above and the specific nature of the request. The First Minister and Permanent Secretary have given clear commitments that the SG will cooperate fully with the Committee's inquiries, and in providing further advice will set out options for the most productive way forward in the circumstances. For example, if it is practically possible for some work to proceed despite COVID-related pressures and home working, it may be that taking a phased approach to document processing enables progress to be made rather than seeking to provide everything at once.

Kenneth Hogg
Director, Organisational Continuity

OFFICIAL-SENSITIVE

From: Lesley Fraser, DG OD&O and
Senior Information Risk Officer (SIRO)

Deputy First Minister

**SECOND SUBMISSION OF DOCUMENTS TO THE SCOTTISH PARLIAMENT
COMMITTEE ON SG HANDLING OF HARASSMENT COMPLAINTS**

Purpose

1. To seek your agreement to submit the attached written statement plus relevant documentation to the Committee on Scottish Government Handling of Harassment Complaints (“the Committee”). This is the second statement and focuses on the Scottish Government’s participation the Judicial Review process.

Priority

2. Immediate: to meet the timescales set by the Committee of mid-July, we propose to submit the statement to the Committee tomorrow afternoon – Friday 17 July.

Background

3. In letters to the Permanent Secretary of 30 April, 19 May and 5 June (attached at Annex A) the Committee asked for three written statements, each accompanied by relevant documents, in relation to:

- the development of *Handling of Harassment Complaints Involving Current or Former Ministers* (“the procedure”);
- the SG’s participation in the judicial review process, requested by mid- July; and
- the SG’s handling of complaints under the procedure, requested by end-July.

4. A fourth statement was requested on 30 June, about the Ministerial Code and the First Minister’s self- referral under that Code.

5. A draft statement in response to the second request is attached for your approval at Annex B. The supporting documents are being sent separately.

Approach

6. The statement at Annex B has been drafted to respond to the specific questions set out in the Committee’s letter, and to provide sufficient additional contextual information so that it is capable of being understood without any wider knowledge. Supporting documents are linked at specific points through footnote references in order to substantiate the positions set out in the statement.

7. The process of developing the draft statement and set of supporting documents has been coordinated by the Organisational Continuity team, members of which have had no previous involvement in the matters that were the subject of complaints made under the

procedure, or in the development of the procedure, or in the subsequent handling of those complaints. The Organisational Continuity team have access to all relevant documentation, and in drafting the statement and supporting documents it has sought and received input from key individuals who were involved in the in events in question.

Document redaction

8. You have already seen supporting documents which we intend to release to the Committee. As for all documents which we submit to the Committee over the course of its inquiry, the documents we will be releasing with the statement at Annex B are being redacted [redacted]. These requirements were set out in Annex A of the Permanent Secretary's letter to the Committee Convenor of 3 June attached, and are:

- the application of General Data Protection Regulation (GDPR) considerations to the processing of personal data of members of Scottish Government staff,
- a Contempt of Court Order made by Lord Woolman on 4 October 2018 in relation to the identities of Ms A and Ms B as complainers in the Scottish Government's internal investigation of their complaints;
- notwithstanding the fact that the Scottish Government does not have corporate knowledge of the identities of the alleged victims in the criminal proceedings involving Alex Salmond, ensuring that nothing which the Scottish Government submits to the Committee could contribute to the identification of those 'complainers' as required by another Contempt of Court order made in the criminal proceedings which remains in force;
- an undertaking given by the Scottish Ministers to the Court of Session in the judicial review on 8 January 2018 preventing publication of the Investigating Officer's report, the decision report, and any statements or other material taken or prepared by the Investigating Officer;
- legal professional privilege and the Law Officers' Convention;
- any other legitimate expectations of confidentiality which have not been waived or otherwise lost.

9. Because of the subject matter of this statement (i.e. litigation), legal professional privilege and the Law Officers' Convention applies to much of the information held by the Scottish Government about the Judicial Review proceedings and our position remains that legal professional privilege and the Convention should be maintained in respect of this information. This means that information given to the Committee will not disclose the scope and nature of any requests for legal advice or any legal advice provided. Nor will we disclose the fact of any involvement of the Scottish Law Officers, any requests to them for advice or any advice they provided.

10. I will approve the release of the redacted documents as the Scottish Government's Senior Information Risk Owner.

Personal data of Scottish Government staff

11. In preparing the statements and documents for submission to the Committee, officials have considered, on a case by case basis, whether to release names or other information which could identify individuals (and therefore to release personal data under GDPR). The Committee's letter of 30 April 2020 asked that the names of Senior Civil Servants (but not of more junior staff, for whom only job titles were requested) and of special advisers be released in documents where they arise. As the data controller the Scottish Government must be satisfied that there is a lawful basis to disclose this personal data before disclosure is made. [Redacted].

12. The Government must also consider the impact of disclosure on each individual by considering their reasonable expectations of whether their name would be disclosed to the Committee, and whether disclosure could cause them unwarranted harm. [Redacted]

Personal Data of third parties

13. [Redacted]. In accordance with SG's obligations under Article 21 of GDPR, I have notified Mr Salmond's legal representatives (Levy & McRae) that their client's data has been processed by inclusion in releasable documents and I have offered them the opportunity to object to that processing.

14. [Redacted]

Security of document transmission

15. The documents will be submitted to Parliament using eRDM Connect. This is a secure electronic system, which has been used before by the Scottish Government including (successfully) for the first tranche of information which the Scottish Government provided to the Committee on 19 June 2020, under which named individuals are given access to a secure area of the Scottish Government's electronic records and document management system (eRDM). The system is 'auditable' in the sense that it is possible to identify who has accessed the documents. All of the documents will be in pdf format (which cannot be edited) and 'watermarked' to indicate that they have been released to the Committee.

Communications

16. It is not proposed to proactively issue a statement saying that the documents have been submitted to the Committee, but if asked we propose to confirm that we have done so. [Redacted].

Recommendation

17. I recommend that you approve the attached statement at Annex B for submission to the Committee on Friday 17 July; and

I invite you to note that I will approve the release of the redacted documents as the Scottish Government's Senior Information Risk Owner.

LESLEY FRASER
16 July 2020

Copy to:

Permanent Secretary

DG: Constitution and External Affairs

Kenneth Hogg, Director, Organisational Continuity

[Redacted]

Barbara Allison, Director, Communications, Ministerial Support and Facilities

[Redacted]

[Redacted]

David Rogers, Director, Constitution and Cabinet

Nicola Richards, Director, People Directorate

James Hynd, Deputy Director, Head of Cabinet, Parliament and Governance

Division

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Cplin McAllister

ANNEX A

LETTERS FROM THE COMMITTEE



Committee on the Scottish Government Handling of Harassment Complaints

Leslie Evans
Permanent Secretary
Scottish Government
St Andrews House
Edinburgh
EH1 3DG

c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

BY EMAIL (RNID Typetalk calls welcome)

Tel: 0131 348 5176
SGHHC@parliament.scot

30 April 2020

Dear Ms Evans

I am writing to you to update you on the work of the Committee on Scottish Government Handling of Harassment Complaints.

Now that criminal proceedings against Alex Salmond have concluded, the *sub judice* considerations which previously applied to the work of the Committee no longer do so and therefore we are keen to get started with our inquiry. However, as you are no doubt aware, the Scottish Parliament has agreed to prioritise and focus on work relating to Covid-19 for the time being and so it is unlikely that we will be able to begin formal evidence-taking yet. The situation is, of course, evolving and so we will keep you advised of any change to this.

In any case, we are cognisant of the fact that we asked the Scottish Government to hold information which could be relevant to our inquiry, and that it would be appropriate for us to access some of this information to assist with our preparations. Can I reiterate our gratitude for your assurances that information relevant to the inquiry has been retained by the Scottish Government and also that you will ensure full cooperation with the Committee in the conduct of its inquiry.

I am writing to you to formally request some of that information to be provided by the Scottish Government to the Committee for the purpose of the inquiry.

I can confirm that the Committee has agreed as an initial approach to consider the issues under inquiry on a chronological basis. This is intended to keep the information flow manageable and an attempt to consider the issues in manageable portions.

With that in mind, as a first step, the Committee is hoping to begin its work by establishing the process that was gone through in the development, formulation and implementation of the policy on the handling of harassment complaints involving current or former ministers.

This request includes any information generated during the period from October 2017, when the review which would lead to this policy was announced, (including any information created leading up to the announcement of the policy review by the Deputy First Minister), to the implementation of the policy in December 2017.

I recognise that this request could generate a large amount of documentation. Therefore, to help both us and you to focus on the most relevant documentation, it would be helpful if you could set out in a written statement an overview of the process involved in the development, formulation and implementation of the policy.

The Committee would find it helpful for this statement to cover—

- How the policy was developed, including why the policy review was ordered in the first place and how this task was approached. In addition, the steps taken during the development of the policy, and what testing was conducted to make sure the policy was robust before it was implemented;
- Who was involved in the development process;
- How decisions were taken in the process and how the consultation was carried out and the implementation of the policy planned, resourced and communicated.

Any other information which would help the Committee to explore this aspect of its inquiry would also be very welcome.

We are aware that individuals' data protection rights may be affected by you disclosing information containing personal data to us. The Committee is at this point content for job titles only to be supplied for civil servants below SCS grade. However, and in order to assist you with establishing a legal basis for the disclosure of personal data, we consider the inclusion of the names and other relevant personal data of Ministers and senior officials for all material relevant to the Committee's inquiry as necessary, appropriate, proportionate and consistent with data protection principles. Accordingly, the Committee would expect the names of Cabinet Secretaries and Ministers and those at SCS grade and Special Advisers to be disclosed.

I can reassure you that all personal data will be handled in accordance with strict data protection policies and will only be used insofar as necessary for the purpose of the inquiry.

We are also aware that you may consider that both the scope of this request and further requests raise further issues around data protection, in addition to confidentiality and court or other legal restrictions. In particular, we are aware of the need to respect the court order protecting the anonymity of the complainers in the trial.

I would be grateful if you could explain the approach you are likely to take to these issues so that we can ensure we are taking all relevant factors into account in developing our approach to these matters.

Yours sincerely

Linda Fabiani MSP

Convener

Committee on the Scottish Government Handling of Harassment Complaints

Permanent Secretary
Leslie Evans

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Linda Fabiani MSP
Convenor – Committee on the Scottish
Government Handling of Harassment Complaints
c/o Clerk to the Committee
Room T1.03
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13 May 2020

Dear Ms Fabiani

Committee on the Scottish Government Handling of Harassment Complaints

Thank you for your letter of 30 April 2020 setting out the approach which the Committee wishes to take as its next steps. I am grateful to you for the constructive approach you have proposed in order to keep information flows manageable and in recognition of data protection concerns, including considering issues on a chronological basis and seeking a written statement in the first instance.

I would like to reiterate the Scottish Government's commitment to ensuring that all information held by the Scottish Government which is potentially relevant to the Committee's remit has been and will be preserved, and to engaging fully with the Committee's inquiry. You noted the impact on Parliament of prioritising work on COVID-19, and similar constraints currently exist within the Scottish Government. The First Minister has indicated that responding to the current emergency is the Scottish Government's overriding priority, and individuals who played significant roles in the events which the Committee is seeking information about and whose input will therefore be required in responding to the Committee are currently playing a central role in the Scottish Government's COVID-19 response. Remote working also has an impact on our speed of response. However the approach which you have proposed, which I welcome, will enable us to make progress and I will provide a more substantive response to your request as soon as possible in the current circumstances.

Yours sincerely

Leslie Evans
Permanent Secretary to the Scottish Government

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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Committee on the Scottish Government Handling of Harassment Complaints

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BY EMAIL SGHHC@parliament.scot

19 May 2020

Dear Ms Evans

Thank you for your letter of 13 May setting out an interim response from the Scottish Government. I am writing to you today to further update you on the work of the Committee on Scottish Government Handling of Harassment Complaints, and to set and request some timescales for information.

I can confirm that the Committee has agreed to meet next month, with a view to start hearing evidence when appropriate. The purpose of the meeting in June will be for the Committee to finalise its approach, consider potential witnesses, and to receive an update on timescales for the transfer of information from the Scottish Government, which I will return to later in this letter. We plan thereafter to review the information received from the Scottish Government. For clarity, the information we are seeking includes, but is not limited to, emails, minutes, notes, texts, papers and WhatsApp messages.

There is therefore a degree of urgency to receiving the information that the Scottish Government holds in relation to the inquiry. These appear to fall under five headings:

Policy development

In terms of the policy development, the questions that we wish to explore have already been set out in my 30 April letter to you. As well as a written statement, the Committee expects to receive the relevant electronic records which relate to these areas of inquiry, and I understand officials are working to establish the most appropriate way for the transfer to take place.

I welcome your confirmation that we will receive a substantive response as soon as possible in the current circumstances. I would be grateful if the information to accompany this could be made available before the summer recess.

Investigation of complaints

Moving on from this, the Committee is also looking for information in relation to the investigation of the complaints themselves. In particular, we would like to establish if the steps set out in the published harassment policy were followed.

In which case, the Committee is seeking information on what the process was in conducting the investigation; who conducted it; who took final decisions on the outcome of the investigation and when contact was made with Alex Salmond; and whether the findings were going to be published.

Judicial review

The Committee is also requesting any information which could be provided in relation to the judicial review to assist it in its inquiry; in particular, the roles and responsibilities in relation to the Scottish Government's conduct of litigation generally and in this case in particular. Also, the Committee wishes to explore the extent to which the Scottish Government kept emerging details and prospects of success under review. It also wishes to explore how the decision to settle was taken, including the timing of the decision and what factors contributed to the cost of settlement.

In the case of the information requested as part of the investigation of the complaints and the judicial review elements of our inquiry, it would be helpful if the Scottish Government could follow the process we have established with gathering information on the policy development; in other words, providing a written statement responding to these points along with the information and records that are relevant to the respective parts of the inquiry. It would be helpful if these could be prepared concurrently.

Ministerial Code

The Committee also requested an update on the progress of the First Minister's referral under the Ministerial Code. I believe that this investigation led by James Hamilton was on hold during the criminal proceedings. Now that the criminal proceedings have concluded, can you advise on the progress of the inquiry and when that inquiry is likely to conclude and report?

Internal investigation

Finally, we understand that it is possible that the Scottish Government was conducting an internal investigation in relation to the handling of the complaints. Could you confirm if that investigation is going ahead, and if so, whether a report of its findings will be published?

Timescales for information

The Committee acknowledges, as you set out in your letter, that the Scottish Government will be focused on the response to Covid-19. However, there is a general view across the Committee that there should be resources available to respond to these requests given that the inquiry has been in hand for over a year now and therefore these requests should not be unexpected.

We would therefore anticipate receiving the information requested on 30 April in relation to policy development, as well as a written statement on the judicial review, by the end of June, to enable the Committee to begin to fulfil its remit and commence its inquiry.

We would also request that you provide the Committee with an expected timescale for the other pieces of information requested in this letter. I would be grateful if you could respond to this point separately in advance of the substantive request for information. The Committee plans to meet again informally at the beginning of June to consider updates on the gathering of information amongst other things, and so a response to these points would be appreciated by the end of May if at all possible.

Finally, as set out in my 30 April letter, I would be grateful if you could explain the approach you are likely to take to issues relating to data protection, confidentiality and court or other legal restrictions so that we can ensure we are taking all relevant factors into account in developing our approach to these matters.

We look forward to your reply.

Yours sincerely

Linda Fabiani MSP

Convener, Committee on the Scottish Government Handling of Harassment Complaints

Permanent Secretary
Leslie Evans



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3 June 2020

Dear Ms Fabiani

Committee on the Scottish Government Handling of Harassment Complaints

Thank you for your letter of 19 May providing an update on the work of the Committee and setting out further requests.

I want to assure you that we will respond to the Committee's requests, and I reiterate my welcome of the iterative, chronological approach which you proposed in your letter of 30 April in order to keep information flows manageable. We are prioritising work on issues which the Committee has said it wants to receive information about first, and on the specific questions asked by the Committee in order to try to meet the timescales requested. I also welcome the opportunity to provide a written statement in respect of each of the three phases identified by the Committee along with relevant documents.

I noted in my letter of 13 May the resource impacts of prioritising work on COVID-19 which remains the Scottish Government's overriding priority. Individuals who played significant roles in the events which the Committee is seeking information about, and whose input will therefore be required for the Scottish Government to respond to the Committee, are currently playing key roles in the Scottish Government's COVID-19 response. In addition, remote working is also impacting on our speed of response. We will therefore respond as quickly as we possibly can in the challenging circumstances in which we are operating.

I have responded to your specific questions below.

Development of the Scottish Government's Procedure on Handling of Harassment Complaints Involving Current or Former Ministers

I can confirm that as requested in your letter of 19 May the Scottish Government is working to provide the Committee by end-June with a written statement and relevant documents in

relation to the Scottish Government's development of its harassment Procedure. In doing so we will address the specific issues set out in your letter of 30 April and referred to in your letter of 19 May.

Judicial review

In your letter of 19 May you also asked that a written statement be provided by end-June in respect of the Scottish Government's participation in the judicial review and specific questions asked by the Committee about this. We will endeavour to meet this timescale, and if not practically possible we will submit the written statement as soon as possible thereafter. In terms of submitting relevant supporting documents for this written statement, if it is possible we will also seek to achieve this by end-June and if not we will submit the documents as soon as possible thereafter.

Investigation of complaints

As requested we are prioritising carrying out the work on the two areas above, and we will submit subsequently a written statement and relevant documents responding to questions asked about the Scottish Government's handling of complaints. Again, we will deliver this as soon as is possible but it is unlikely be to before end-August 2020.

Approach to data protection, confidentiality and legal restrictions

You asked me to explain the approach which the Scottish Government is likely to take in respect of data protection, confidentiality issues and legal restrictions which are likely to arise in releasing relevant documents to the Committee. I attach at Annex A a note setting out in more detail the issues which we expect to arise, and the approach we propose to take in dealing with them. In essence, any document which we intend to submit to the Committee will be checked in advance in case any of the restrictions discussed in the Annex apply. If so, we would consider what redactions or other course of action is required. I should add that the number of documents which require to be processed in this way will also impact on the timescales in which we can send you documents. The task of applying these judgements can only be done manually. Our respective legal teams are already in conversation about the legal parameters.

You also asked about progress in agreeing the process by which we propose to transfer documents. Scottish Government and Scottish Parliament staff are discussing this, and I understand that an electronic process with which the Parliament is already familiar is likely to be agreed which will ensure the required level of security during transmission of documents to the Parliament.

Ministerial Code referral and Scottish Government internal review

You asked about progress of the First Minister's self-referral under the Ministerial Code, and of the Review of the Scottish Government's application of its harassment procedure, both of which were announced in January 2019 and were subsequently paused when criminal proceedings began on 24 January 2019. Actions to take forward both the Code referral and the Review are underway; completion dates will be set out in due course. You also asked whether the Scottish Government will publish the findings of the Review of its application of its harassment procedure, and I can confirm that we will do so. For the

avoidance of doubt I can also confirm that the outcome of the First Minister's self-referral under the Ministerial Code will also be published.

I have asked my officials to remain in regular contact with the clerks to your Committee, and to keep them updated on progress in respect of all the workstreams discussed above.

Yours sincerely

Leslie Evans



The Scottish Parliament
Pàrlamaid na h-Alba

Committee on the Scottish Government Handling of Harassment Complaints

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BY EMAIL SGHHC@parliament.scot

5 June 2020

Dear Ms Evans,

Thank you for your letters of 13 May and 3 June. I welcome your response to the various points set out in my previous letters of 30 April and 19 May.

You may be aware that the Committee had a meeting on 1 June where we discussed and agreed our approach to the inquiry. In responding to your letter, I think it would be helpful for me to provide you with an update following this meeting.

As you will be aware, over the past few weeks for obvious reasons the focus of the Parliament has been on the response to the COVID-19 pandemic. However, you will appreciate that the Committee is keen to get moving on the inquiry. With this in mind, we have agreed that our next meeting will be on Monday 22 June.

This will be a formal, public meeting, conducted remotely. It will allow the Committee to consider and formally set out its approach to oral evidence sessions and to consider possible witnesses before the summer break. Up to now, the Committee has met in private and so this will also give Members the opportunity to put their views on the record.

The scheduling of this meeting clearly has a bearing on the timetable for the provision of information that we are seeking.

I note from your response that progress is being made regarding the provision of information relating to the development of the procedure for the handling of harassment complaints.

While this is welcome, we took the step of giving you a deadline of end of June as an absolute end point. It is a number of weeks since we requested information on this aspect of the inquiry and so I would expect at least some information to have been forthcoming before now.

The Committee therefore expects all of this information to be made available in time for the meeting on 22 June. If that is not possible, we expect as much information as possible to be provided in time for that meeting and a reassurance that the complete package will be available by the end of the month.

In terms of the information in relation to the judicial review, the Committee is seeking this information by mid-July and so it is welcome that the timetable you are working to is in line with the Committee's requirements.

I do, however, have serious concerns regarding your timetable for provision of information in relation to the complaints themselves. The Committee's plan is to begin taking oral evidence after the summer. You will have noted that the Parliament has agreed to adjust its summer recess in response to the COVID-19 pandemic so that recess will now conclude in time for the return of schools. Parliamentary business will therefore recommence in full in the week beginning 10 August.

It is likely that the Committee will begin taking oral evidence as soon as possible after that date and so the Committee has agreed a firm deadline of the end of July for information on the complaints themselves to be provided. Your timetable of the end of August therefore does not meet the Committee's requirements.

We recognise that the Scottish Government's current focus is on the Covid-19 response but the lack of progress to date in receiving any information is the source of much frustration and concern amongst Members across all parties. It is also impinging on the Committee's ability to interrogate what it knows will be a large quantity of information ahead of the forthcoming oral evidence sessions.

I therefore expect the necessary steps to be put in place to move this process along in order to provide this information in time for our deadline of the end of July. Or, if that is not possible, I would welcome a clear explanation of why that is the case.

Turning to your response to my request for an explanation of the Scottish Government's approach in respect of data protection, confidentiality and legal restrictions, these are clearly complex matters which require careful consideration. I will respond to these separately once I have had the opportunity to consult Committee Members.

Finally, thank you for your update on the First Minister's self-referral under the ministerial code and the Scottish Government's internal review of the application of the harassment procedure. We look forward to reading the results of these when they become available.

Please note that it is the Committee's intention to publish this letter, along with our correspondence of 30 April and 19 May and your responses to these, on our webpage by close of business on Monday.

Best wishes

Linda Fabiani MSP

Convener

Scottish Government Handling of Harassment Complaints Committee

Sent: 19/06/2020 @ 17:37

From: [Redacted]

Subject: Parliament Committee on Harassment Complaints – weekend media note

To: Permanent Secretary, Cabinet Secretary for Communities and Local Government; Cabinet Secretary for Constitution, Europe and External Affairs; Cabinet Secretary for Culture, Tourism and External Affairs 2016 to 2020; Cabinet Secretary for Economy, Fair Work and Culture; Cabinet Secretary for Finance; Cabinet Secretary for Finance, Economy and Fair Work 2018 to 2020; Cabinet Secretary for Government Business and Constitutional Relations 2018 to 2020; Cabinet Secretary for Health and Sport; Cabinet Secretary for Justice; Cabinet Secretary for Rural Economy and Tourism; Cabinet Secretary for Social Security and Older People; Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for Transport, Infrastructure and Connectivity; [redacted]; [redacted]; First Minister

Cc: Colin McAllister; Stuart Nicholson; Kenneth Hogg; Barbara Allison; Director Communications, Ministerial Support and Facilities; [Redacted], [Redacted], [Redacted], Andrew Bruce, [Redacted], [Redacted], Maureen Bruce; Nicola Richards; Lesley Fraser; DG Organisational Development and Operations; James Hynd; [Redacted].

**PS/First Minister and Cab Secs
Permanent Secretary**

[REDACTED]

A brief note on media-handling this weekend in relation to the Parliament Committee on the Scottish Government's Handling of Harassment Complaints and related issues, as agreed by DFM.

We can expect a raft of media enquiries and FOIs from this point onwards. Over the weekend, and up until any publication of the documents, we will draw on the following lines:

- o The information requested by the Committee has been provided, as requested, in advance of its meeting on Monday 22 June.
- o The documents fully set out the Scottish Government's response to the questions it has been asked by the Committee;
- o We welcome the opportunity which the parliamentary inquiry will bring to address issues which have been raised, but we will not pre-empt that process - particularly when the immediate priority for the Scottish Government remains addressing the public health emergency the country currently faces

[REDACTED]

[REDACTED]

Corporate Communications

Scottish Government

Sent: 17/07/2020 @ 12:15

From: [Redacted]

Subject: Advisory – Parliament Committee on Harassment Complaints - Media

To: First Minister; Cabinet Secretary for Communities and Local Government; Cabinet Secretary for Constitution, Europe and External Affairs; Cabinet Secretary for Economy, Fair Work and Culture; Cabinet Secretary for Finance Cabinet Secretary for Health and Sport; Cabinet Secretary for Justice; Cabinet Secretary for Rural Economy and Tourism; Cabinet Secretary for Social Security and Older People; Cabinet Secretary for the Environment, Climate Change and Land Reform; Cabinet Secretary for Transport, Infrastructure and Connectivity; Cabinet Secretary for Culture, Tourism and External Affairs; Permanent Secretary,

Cc: Deputy First Minister; Stuart Nicholson; Kenneth Hogg; Barbara Allison; Director Communications, Ministerial Support and Facilities; [Redacted], [Redacted], [Redacted], Andrew Bruce, [Redacted], [Redacted], Maureen Bruce; Nicola Richards; Lesley Fraser; DG Organisational Development and Operations; James Hynd; [Redacted]; [redacted], [redacted], Colin McAllister

**PS/First Minister and Cabinet Secretaries
Permanent Secretary
[REDACTED]**

A brief note on media-handling this weekend in relation to the Parliament Committee on the Scottish Government's Handling of Harassment Complaints and related issues, as agreed previously by DFM.

The second tranche of material requested by the Committee will be provided by SG this afternoon, Friday 17 July. [Redacted]

Over the weekend, and up until any publication of the documents, we will draw on the following lines:

- o The information requested by the Committee has been provided as requested.
- o The documents fully set out the Scottish Government's response to the questions it has been asked by the Committee;
- o We welcome the opportunity which the parliamentary inquiry will bring to address issues which have been raised, but we will not pre-empt that process - particularly when the immediate priority for the Scottish Government remains addressing the public health emergency the country currently faces

[REDACTED]

St Andrews House

Edinburgh

[REDACTED]