

From: [redacted] <[redacted]@gov.scot> **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

Sent: 01 May 2019 17:18

To: Hogg KJ (Kenneth) <[redacted]@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <[redacted]@gov.scot>

Cc: Permanent Secretary <[redacted]@gov.scot>; Davidson S (Sarah) <[redacted]@gov.scot>; Johnston P (Paul) <[redacted]@gov.scot>; Hynd JS (James) <[redacted]@gov.scot>; MacDonald V (Victoria) <[redacted]@advocategeneral.gov.uk>; [redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Ministerial responsibilities

Kenneth,

The DFM has discussed this with the First Minister and they are content to proceed on this basis.

[redacted]

[redacted] | Private Secretary to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | [redacted]

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From: Hogg KJ (Kenneth) <[redacted]@gov.scot>

Sent: 30 April 2019 17:04

To: Deputy First Minister and Cabinet Secretary for Education and Skills <[redacted]@gov.scot>

Cc: Permanent Secretary <[redacted]@gov.scot>; Davidson S (Sarah) <[redacted]@gov.scot>; Johnston P (Paul) <[redacted]@gov.scot>; Hynd JS (James) <[redacted]@gov.scot>; MacDonald V (Victoria) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: Ministerial responsibilities

DFM

Purpose: to invite you to consider agreeing with FM an extension of your role as Ministerial lead in relation to work arising from the Scottish Government's first application of the procedure for handling complaints against current and former ministers.

Background and discussion

In January of this year you agreed with FM (see below) that you would take on the role of Ministerial lead in relation to the review commissioned by the Permanent Secretary into the Scottish Government's first application of the new procedure for handling complaints against current and former ministers. This was appropriate given the FM's self-referral under the Ministerial Code in relation to associated events. Since that time, criminal proceedings have commenced involving the Former First Minister and as a consequence the establishment of the review has

been paused pending completion of those criminal proceedings. In addition, a Parliamentary Committee on the Scottish Government Handling of Harassment Complaints has been established, and although its substantive inquiries have also been paused pending completion of the criminal proceedings its Convenor has nevertheless corresponded with the First Minister and with the Permanent Secretary about actions being taken now to preserve relevant information. I attach for information links on the Committee's website to the correspondence published so far.

Official work therefore continues to be undertaken in relation to this subject matter including taking steps to preserve official documentation in advance of the Committee's substantive inquiry beginning, and in preparing responses to answer Freedom of Information requests: [redacted] FOI requests were answered between January and March 2019. The data management task alone is a significant one, and is likely to entail significant investment of resources. The Organisational Continuity team which I lead is coordinating this work. Given that I understand you had no responsibility for the handling of the relevant complaints or for the Scottish Government's engagement with the subsequent judicial review, it would be appropriate to extend your responsibilities as Ministerial lead beyond the review announced in January to all current activity in relation to these matters. If in the future enquiries were made of the Scottish Government about events in which you did have a role then at that point it would be appropriate to institute alternative arrangements for Ministerial responsibilities in respect of those enquiries.

Recommendation

I would be grateful if you would consider this proposal, and if content discuss the extension of your responsibilities with the FM. I would also be happy to discuss.

Kenneth Hogg
Director, Organisational Continuity

[https://www.parliament.scot/HarassmentComplaintsCommittee/20190322SG to Convenor web.pdf](https://www.parliament.scot/HarassmentComplaintsCommittee/20190322SG%20to%20Convenor%20web.pdf)

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