

**From:** Mackinnon J (Judith)  
**Sent:** 30 January 2018 17:40  
**To:** [redacted] [redacted]  
**Subject:** Quick Call

Hello [redacted] and [redacted]  
We met recently in SAH, with your colleague [redacted]. I wondered if you were free for a quick chat tomorrow? Some hypothetical advice required.  
Mobile is the best number to get me on [redacted]  
Let me know if possible?

Best wishes  
Judith

**Subject**

**Feedback form Police Scotland meeting**

**From**

MackinnonJ (Judith)

**To**

Richards N (Nicola)

**Sent**

08 December 2017 14:28

## Feedback form Police Scotland meeting

Nicky

Really helpful meeting with Police Scotland colleagues on Wednesday, the main summary is as follows: Police Scotland will send list of support organisations and information of how they respond to allegations of sexual crime.

Allegations of sexual assault/crime are victim led –so if they don't want to report to police, we cannot – however, we can provide police with some intelligence (unless children are at risk –then must report)

We can seek advice from police on "hypothetical" situations

Scottish Parliament are using their onsite liaison officers for signposting and support

Criminal investigation would take precedence over an employer led investigation (if person wants to report to police)

SG corporate comms can liaise with Police Scotland comms if something did break

Someone may complain directly to the police and they would not necessarily tell the employer (be aware) –similarly, allegations in the press are not necessarily known about by the police

If allegation made directly to the police about workplace issue –police may need to come in and interview other workplace witnesses

Limits of our protection for our staff/former staff –if gets into the press –complainants may be pursued – we can support and report to police if causes fear and alarm (pressure being put on them) and they could investigate –sanction could be breach of the peace. Our employee would need the support of corporate comms. Those pursuing our staff could be written to (via the parliament or their own party) to cease

We can indicate to potential victims that others have come forward

Staff who do make a complaint need to be made aware of their social media footprint in terms of the media being able to identify them.

Think that was the main things –already sending me advice and signposting to victim agencies. Also have contract details from all 3 officers –which is good to have.

Judith

Judith Mackinnon | Deputy Director, People Advice, People Directorate | Tel: [redacted]

Supporting the People Strategy by <http://saltire/my-workplace/pages/my-workplace.aspx> improving online guidance

HR Help can help if you can't find what you need on saltire –[redacted]

08 December 2017

14:35

**From:** Mackinnon J (Judith)

**Sent:** 18 April 2018 16:13

**To:** [redacted]

**Subject:** Quick Chat

H i[redacted]

Hope you are well? I wonder if you would be available for a quick chat – just need some hypothetical advice?

Are either of you around tomorrow?

Best wishes

Judith



**Judith Mackinnon** | Deputy Director, People Advice, People Directorate | Tel:  
[redacted] [redacted]

Supporting the People Strategy by improving online guidance

HR Help can help if you can't find what you need on saltire –[redacted]

**From:** Mackinnon J (Judith)  
**Sent:** 01 August 2018 13:25  
**To:** [redacted]  
**Subject:** RE: More advice [OFFICIAL]

Thanks [redacted] – this is very helpful. As you have identified we are beginning get into detail in terms of potential process and implications – so am considering how best we respond to this, which will include involving yourself or colleagues to help with our understanding.

Be in touch

Judith

**From:** [redacted]  
**Sent:** 01 August 2018 11:54  
**To:** Mackinnon J (Judith) [redacted]>  
**Subject:** RE: More advice [OFFICIAL]

## OFFICIAL

Hi Judith,

No problem at all.

It makes no difference who reports it to police. The employee would be the victim though and the SG would be the witness.

I hope this helps but slightly concerned regarding the level of discussion which is clearly ongoing at your end but I guess that will be for SG to manage and navigate.

I am more than happy to speak with the victim(s) in the presence of the employer, to provide them with all facts, which may alleviate the discussion on points such as this.

Kind regards,

[redacted]

**From:** Judith.Mackinnon[redacted][redacted]  
[mailto:Judith.Mackinnon[redacted]]  
**Sent:** 01 August 2018 07:44  
**To:** [redacted]  
**Subject:** More advice

Hi [redacted]

Wonder if you can help – hypothetically speaking of course. If, after an internal investigation, the SG becomes aware that a member of staff has been the subject of a potential criminal act, can you advise if there is a difference depending on whether:

1. The employee reports the issue to the police themselves, or
2. The SG report it on behalf of the employee

If number 2 is the employee's preferred option, does it make any difference that the SG report it rather than themselves. And if SG did report it, what would the status of the parties be? IE would the employee be a witness? Or still essentially the victim (which I realise they still are).

Does that make sense?

Would be great if you could get back to me asap.

Much appreciated,

Best wishes

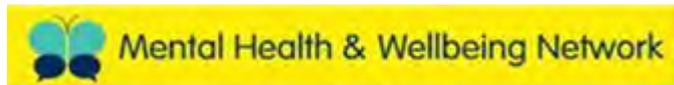
Judith

**Judith Mackinnon** | Deputy Director, People Advice, People Directorate | Tel:[redacted]

Mob: [redacted]

[Supporting the People Strategy](#) by improving online guidance

HR Help can help if you can't find what you need on saltire – [redacted]



**From:** Mackinnon J (Judith)  
**Sent:** 01 August 2018 14:08  
**To:** [redacted]  
**Subject:** RE: More advice [OFFICIAL]

[redacted]

Can I check one more thing with you? Who makes the decision to press charges? If the complainers/victims didn't want to – could SG decide they wanted to press charges? Or is it down to the Crown Office and PF?

Judith

**From:** [redacted]  
**Sent:** 01 August 2018 11:54  
**To:** Mackinnon J (Judith) <[redacted]>  
**Subject:** RE: More advice [OFFICIAL]

**OFFICIAL**

Hi Judith,

No problem at all.

It makes no difference who reports it to police. The employee would be the victim though and the SG would be the witness.

I hope this helps but slightly concerned regarding the level of discussion which is clearly ongoing at your end but I guess that will be for SG to manage and navigate.

I am more than happy to speak with the victim(s) in the presence of the employer, to provide them with all facts, which may alleviate the discussion on points such as this.

Kind regards,

[redacted].

**From:** Judith.Mackinnon[ redacted]  
**Sent:** 01 August 2018 07:44  
**To:** [redacted] (13299)  
**Subject:** More advice

Hi [redacted]

Wonder if you can help – hypothetically speaking of course. If, after an internal investigation, the SG becomes aware that a member of staff has been the subject of a potential criminal act, can you advise if there is a difference depending on whether:

1. The employee reports the issue to the police themselves, or
2. The SG report it on behalf of the employee

If number 2 is the employee's preferred option, does it make any difference that the SG report it rather than themselves. And if SG did report it, what would the status of

the parties be? IE would the employee be a witness? Or still essentially the victim (which I realise they still are).

Does that make sense?

Would be great if you could get back to me asap.

Much appreciated,

Best wishes

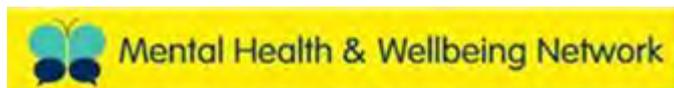
Judith

**Judith Mackinnon** | Deputy Director, People Advice, People Directorate | Tel:[redacted]

Mob: [redacted]

[Supporting the People Strategy](#) by improving online guidance

HR Help can help if you can't find what you need on saltire – [redacted]



---

**From:** Mackinnon J (Judith)  
**Sent:** 03 August 2018 13:58  
**To:** [redacted]  
**Cc:** Richards N (Nicola)  
**Subject:** RE: SG Advice [OFFICIAL]

[redacted]

Just to let you know that I stop today for annual leave, returning on the 27 August. I have copied in my Director, Nicky Richards, so that she has your contact details, in case she needs to get in touch with you.

Thanks for your help to date.

Best wishes

Judith

**From:** [redacted]  
[redacted]  
**Sent:** 02 August 2018 17:12  
**To:** Mackinnon J (Judith) <[redacted]>  
**Subject:** RE: SG Advice [OFFICIAL]

## OFFICIAL

No problem and let me know if the leaflets would be of use.

Regards,

[redacted]

**From:** Judith.Mackinnon[redacted]  
[mailto:[redacted]]  
**Sent:** 02 August 2018 17:08  
**To:** [redacted]  
**Subject:** RE: SG Advice [OFFICIAL]

Understood [redacted] - thanks anyway.  
Judith

Sent with BlackBerry Work  
(www.blackberry.com)

**From:** [redacted]  
**Date:** Thursday, 02 Aug 2018, 4:55 pm  
**To:** Mackinnon J (Judith) [redacted]  
**Subject:** FW: SG Advice [OFFICIAL]

OFFICIAL  
Hi Judith,

Regarding your latest request, I have sought advice from DCS [redacted] as this is not how Police Scotland would ordinarily interact with victims. I can obtain the leaflets referred to and/or provide you with contact details for Rape Crisis Scotland, who are a fantastic advocacy support, and will be able to provide the victim(s)

with all the information / advice they will need, without any fear that the police are aware of their identity etc.

Kind regards,

[redacted]

-----Original Message-----

From: [redacted]  
Sent: 02 August 2018 16:50  
To: [redacted]  
Subject: Re: SG Advice [OFFICIAL]

Of course - we provide this information via 3rd sector or on various leaflets etc. I would however suggest for the person to contact RCS for advice - they will be answer all sort of questions

[redacted]

Sent from my BlackBerry 10 smartphone.

From: [redacted]  
Sent: Thursday, 2 August 2018 16:35  
To: [redacted]  
Subject: SG Advice [OFFICIAL]

OFFICIAL

Hi Boss,

Can I seek your advice on this. I have tried to encourage a face to face meet, to answer any queries but as you can see, this is being rejected at this time, with an email response being the preferred response. Are you happy for me to proceed with this?

Many thanks,

[redacted]

From: Judith.Mackinnon[redacted]  
Sent: 02 August 2018 16:31  
To: [redacted]  
Subject: RE: More advice [OFFICIAL]

Hi [redacted]  
Thanks for this feedback.

I realise I am being very cloak and dagger about this, but we feel that, for the moment, if we can provide some written responses that would be most helpful at this stage.

Your offer of face to face contact I am sure, if we go down the route of reporting, will be welcomed, but at the moment the final outcome of the investigation has not been found and the decision for next steps also cannot be made. We are merely trying to get the views of the individuals about possible outcomes.

Does that make sense?

Thanks for your patience in this - I greatly appreciate your advice.

Best wishes

Judith

From:[redacted] Sent: 02 August 2018 14:20

To: Mackinnon J (Judith) [redacted]  
Subject: RE: More advice [OFFICIAL]

OFFICIAL

Hi Judith,

Providing an email response to any queries the victim(s) have is not how I would conduct this, as per my reply below. This is clearly a very sensitive set of circumstances, which is much better addressed by face to face contact. I will not be able to convey the sensitive approach which will be adopted by Police Scotland or indeed COPFS, should it proceed to that stage, by email correspondence. Therefore the reassurance the victim(s) are looking for, will be lost due to the clinical means of communication.

Can I suggest that we encourage a face to face meet to address any questions / concerns. I can do that on a first name basis only, to preserve their anonymity at this stage.

Kind regards,

[redacted]

From: Judith.Mackinnon [redacted]  
Sent: 02 August 2018 14:05  
To: [redacted]  
Subject: RE: More advice [OFFICIAL]

Hi [redacted]

I have asked the complainers what information they need from Police Scotland in relation to process and how it affects them, if we report to the police. Below is one complainer's questions. Would you be able to provide a response for me, which I can then share with her?

I am waiting on the other complainer to respond in a similar way and will pass on her queries, once I receive them.

Thanks very much [redacted]  
Judith

1. If I say I don't want the police involved, what happens then? Would I then be a witness rather than a victim? Or would I be compelled to be involved as a victim? Would I be publicly identifiable?
2. If the police do get involved and decide not proceed what happens then?
3. If the police get involved and decide to go to the Crown Office what will I happen if the Crown does not believe there is a case that could be successfully taken up? Would we be anonymous?
4. If there was a case that went to court, would I have to appear in court and would I be anonymous?
5. If it went to court and the case was unsuccessful, what are the implications of this for me?

From: [redacted]  
Sent: 02 August 2018 14:02  
To: Mackinnon J (Judith) [redacted]<  
Subject: RE: More advice [OFFICIAL]

OFFICIAL

Noted Judith thanks.

[redacted]

From: Judith.Mackinnon [redacted]  
Sent: 02 August 2018 06:26  
To: [redacted]

Subject: RE: More advice [OFFICIAL]

[redacted]

Thank you - that is really helpful. Will be back in touch later today.  
Judith

Sent with BlackBerry Work

([www.blackberry.com](http://www.blackberry.com)>)

From: [redacted]

Date: Wednesday, 01 Aug 2018, 8:08 pm

To: Mackinnon J (Judith) [redacted]

Subject: RE: More advice [OFFICIAL]

OFFICIAL

Hi Judith,

I would be able to attend and provide advice directly to the victims regarding the full process, should they decide to report, however, I can't give the victims hypothetical advice. They can ask me any questions they wish, regarding the process.

If I have no details of what has taken place, then I am unable to act on the information, so if the victims are purely looking for advice, then I can facilitate that no problem.

I will be out the office first thing tomorrow, but will be about and available for a call later in the day, should that be required.

Kind regards,

[redacted]

From: Judith.Mackinnon [redacted]

Sent: 01 August 2018 17:09

To: [redacted]

Subject: RE: More advice [OFFICIAL]

Hi [redacted]

Can I run past you a suggestion for some advice and see what you think?

Would you be able to/prepared to provide advice on a purely hypothetical basis - without details of incidents - to two women [redacted] which will focus on the police process in the event that SG report a potential crime to the police .

And would you be able to provide that advice without feeling obliged to act irrespective of whether we report or not?

Does that make sense? Happy to have a call if that would help?

Judith

From: [redacted]

Sent: 01 August 2018 11:54

To: Mackinnon J (Judith) [redacted]

Subject: RE: More advice [OFFICIAL]

OFFICIAL

Hi Judith,

No problem at all.

It makes no difference who reports it to police. The employee would be the victim though and the SG would be the witness.

I hope this helps but slightly concerned regarding the level of discussion which is clearly ongoing at your end but I guess that will be for SG to manage and navigate.

I am more than happy to speak with the victim(s) in the presence of the employer, to provide them with all facts, which may alleviate the discussion on points such as this.

Kind regards,

[redacted]

From: Judith.Mackinnon [redacted]

Sent: 01 August 2018 07:44

To: [redacted]

Subject: More advice

Hi [redacted]

Wonder if you can help - hypothetically speaking of course. If, after an internal investigation, the SG becomes aware that a member of staff has been the subject of a potential criminal act, can you advise if there is a difference depending on whether:

1. The employee reports the issue to the police themselves, or
2. The SG report it on behalf of the employee

If number 2 is the employee's preferred option, does it make any difference that the SG report it rather than themselves. And if SG did report it, what would the status of the parties be? IE would the employee be a witness? Or still essentially the victim (which I realise they still are).

Does that make sense?

Would be great if you could get back to me asap.

Much appreciated,

Best wishes

Judith

Judith Mackinnon | Deputy Director, People Advice, People Directorate [redacted] Supporting the People Strategy by improving online guidance [redacted] HR Help can help if you can't find what you need on saltire – [redacted]

[\[cid:image001.jpg@01D42A7E.290B0160\]](#)

---