

From: [Cowan C \(Caroline\)](#)
To: [Palmer MR \(Mike\)](#); [Redacted]
Subject: RE: S6W-07719 for review
Date: 20 April 2022 10:23:48
Attachments: [image001.png](#)

Nothing from me. Thanks [Redacted] for the work on this. And you and [Redacted] for follow up discussions.

I think we should keep reminding them that there is an expectation public bodies of any sort follow all the SG guidance on matters such as human rights, but also Fair Work and the likes. I'll try and flag next time I speak to [Redacted]. And [Redacted] helpfully put a line in Ms McAllan's briefing for the meeting today

Dr Caro Cowan
Interim Deputy Director Funding and Strategy

marinescotland

Scottish Government

Te| [Redacted]

From: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Sent: 20 April 2022 10:17
To: [Redacted] @gov.scot>; [Redacted]
@gov.scot>; Cowan C (Caroline) <Caroline.Cowan@gov.scot>
Cc [Redacted] gov.scot>; [Redacted] @gov.scot>;
[Redacted] @gov.scot>; [Redacted] @gov.scot>
Subject: RE: S6W-07719 for review

Many thanks [Redacted] great work, I think this is a good outcome. I have made a couple of further minor drafting tweaks.

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours.

Mike Palmer
Deputy Director for Marine Planning and Policy

marinescotland

Scottish Government | Area GB-South | Victoria Quay | Edinburgh EH6 6QQ

[Redacted]

[Redacted]

email: mike.palmer@gov.scot
w: <http://www.gov.scot/marinescotland>

From: [Redacted] @gov.scot>
Sent: 20 April 2022 09:51

To: [Redacted] <[Redacted]@gov.scot>; Cowan C (Caroline) <Caroline.Cowan@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: S6W-07719 for review

Thanks for your quick work on this, [Redacted] I've made a couple of suggested tracked changes in the eRDM link.

[Redacted] (she/her)
[Redacted]

Funding and Strategy Division | [marinescotland](#)
Scottish Government
[Redacted] <[Redacted]@gov.scot>

British Sign Language (BSL) users can [contact us via](#) [contactSCOTLAND-BSL](#)

From: [Redacted] <[Redacted]@gov.scot>
Sent: 20 April 2022 08:34
To: Cowan C (Caroline) <Caroline.Cowan@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: S6W-07719 for review

Good morning both,

Please see below the link to the draft PQ. The text has been agreed with CES and the deadline for the PQ is today at 4pm.

[PQ S6W-07719 - Liam McArthur - Due 15042022 \(A37484103\)](#)

Many thanks,

[Redacted]

[Redacted] she/her
Senior Policy Officer – Sectoral Marine Planning
Marine Scotland – Policy and Planning

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Mobile: [Redacted]
Email: [Redacted] <[Redacted]@gov.scot>

From: Cowan C (Caroline) <Caroline.Cowan@gov.scot>
Sent: 19 April 2022 10:01

To: [Redacted] <[Redacted]@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: S6W-07719 for review

Yes thanks, did you?

If you could follow up with [Redacted] and see where they're at that would be good, [Redacted]

[Redacted] – worth putting something in anyway, I've actually got a pre-brief with her on something else at lunchtime so could flag if necessary.

C

Dr Caro Cowan
Interim Deputy Director Funding and Strategy

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Te [Redacted]

From: [Redacted] <[Redacted]@gov.scot>
Sent: 19 April 2022 08:52
To: Cowan C (Caroline) <Caroline.Cowan@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: S6W-07719 for review

Hi Caro,

Hope you had a lovely long weekend.

The email exchange was with [Redacted] I could see if she has some time for a chat at some point today, just to clarify that they wouldn't be committing to anything they haven't done already.

For everyone's awareness I have contacted PO to request an extension on the PQ since it was due last Friday, they haven't got back to me yet.

Thank you,

[Redacted]

[Redacted] (she/her)
Senior Policy Officer – Sectoral Marine Planning
Marine Scotland – Policy and Planning

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted]
Email: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)

From: Cowan C (Caroline) <Caroline.Cowan@gov.scot>
Sent: 16 April 2022 11:36
To: Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Cc: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>;
[Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: S6W-07719 for review

Had a quick look at this. I wonder if CES are being unnecessarily procedural (not sure that's the right word, it is a Saturday!) – but in the chain they have reassured [Redacted] that they have considered Human Rights elements in the process, the guidance as you say Mike is very high level – and indeed some of the bullets you highlight I'd be worried if they weren't considered – financial viability, including corruption, ability to deliver – surely the assessment process covers that as well.

To me if CES have asked for assurance on things such as modern slavery and human rights that meets the guidance, but I would absolutely also want them to categorically say they are acting in line with it. I note that [Redacted] – but as you say Mike this is a reputational issue, especially in light of FM's position on e.g. the Rwanda stuff last week.

[Redacted] – who have you been talking to about this? Probably next step is a check in with [Redacted] (I imagine) if you haven't already talked to her, and then if necessary Mike and I can talk to [Redacted]
[Redacted]

[Redacted] and I are all meeting in VQ on Tuesday morning first thing so can follow up then as necessary (and if you find one of us you'll find us all!)

C

Dr Caro Cowan
Interim Deputy Director Funding and Strategy
marinescotland
Scottish Government
[Redacted]

From: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Sent: 14 April 2022 14:45
To [Redacted] <@gov.scot>; Cowan C (Caroline) <Caroline.Cowan@gov.scot>
Cc: [Redacted] <@gov.scot>; [Redacted] <@gov.scot>; [Redacted] <@gov.scot>
Subject: RE: S6W-07719 for review

Many thanks [Redacted] Having read the guidance I find myself troubled by the position being taken by CES and I'm bringing Caro into this as I think there's a sponsorship issue here.

[Redacted]

However, this is very high level guidance at the level of principles and standard checks which SG has concluded should reasonably be applied by all NDPBs and agencies. CES is technically not an NDPB but it is part of the Scottish public sector family and its status as a 'non-Ministerial Department' will cut little ice in the court of public opinion. If the guidance does indeed introduce uncertainty into the 'veracity of the process to date' by CES then I think that raises concerns about the process they have run. The guidance says:

'The detail of what is checked is ultimately a matter of judgement by whomever has initiated the relationship and/or responded to a proposition from a third party and will depend on the circumstances of each case. However it is likely to include as a minimum:

- governance and internal control systems of the potential investor - does the organisation have policies or mechanisms in place that address its human rights obligations, e.g. through ethics, equalities or corporate social responsibility committees or programmes? Have steps been taken to improve its record and/or provide redress for any prior human rights issues?
- ability to deliver – has the organisation a track record of delivering similar projects or investments of the type, size and complexity of the one proposed? Does it have staff and resources with both capacity and capabilities to deliver? Does it have a previous record of working successfully with Governments and agencies etc?
- financial stability – can the organisation or investor provide assurance on financial viability? Does it have any past record of financial wrongdoing, for example bribery or corruption? Are financial controls in place and are operating effectively? Does it have a robust internal or external audit function?
- downstream delivery - is there evidence that the organisation carries out its own due

diligence checking on its partners, joint ventures, subsidiaries etc? How does it monitor, evaluate and control the risk of existing projects? Is there a record of any human rights concerns of any subsidiary or partner organisation?

As well as considering the track record of the organisation(s) involved it may be appropriate to undertake due diligence on particular individuals.'

Given that the guidance allows for discretion over the level of detail entered into in due diligence checks I'd be concerned if CES cannot say they have complied with a due diligence approach in line with this guidance. I'd also be concerned that they might see compliance with the guidance as 'impractical' for future leasing rounds. If so, then I think Ministers may wish to make clear to them what is expected of them as part of the Scottish public sector family.

[Redacted]

Caro - this feels like quite a serious sponsorship issue. CES seem to be seeking to avoid signing up to SG guidance that is meant to apply not only to SG but also to its agencies. Should you (we?) have a word with [REDACTED] about it?

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours.

Mike Palmer
Deputy Director for Marine Planning and Policy

marinescotland

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Tel: [Redacted]

[Redacted]

email: mike.palmer@gov.scot

w: <http://www.gov.scot/marinescotland>

From: [Redacted] <[Redacted]@gov.scot>

Sent: 14 April 2022 13:36

To: Palmer MR (Mike) <Mike.Palmer@gov.scot>

Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>

<[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>

Subject: RE: S6W-07719 for review

Hi Mike,

This is the link to the guidance and I have attached CES response.

[Guidance on due diligence: human rights - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Thank you,



[Redacted] (she/her)
Senior Policy Officer – Sectoral Marine Planning
Marine Scotland – Policy and Planning

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted]
Email: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)

From: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Sent: 14 April 2022 12:09
To: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>
Cc: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>;
[Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: S6W-07719 for review

Can you please send me the guidance?

Thanks.

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours.

Mike Palmer
Deputy Director for Marine Planning and Policy

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email: mike.palmer@gov.scot

w: <http://www.gov.scot/marinescotland>

From: [Redacted] <[Redacted]@gov.scot>
Sent: 14 April 2022 10:24
To: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: S6W-07719 for review

Good morning Mike,

I have contacted CES with the new proposed lines and they have got back with the following proposal. [Redacted]

[Redacted]

Following my response of the 22 February 2022, Crown Estate Scotland (CES) is responsible for the ScotWind leasing and the selecting process. We expect all Scottish public organisations to follow due diligence, including that related to human rights, as appropriate. The due diligence carried out by Crown Estate Scotland was outlined in my answer to question S6W-06064 and includes requiring written assurances from all project partners that they have not been convicted of unlawful activity in relation to a range of requirements, including aspects such as; corruption, bribery, fraud and human trafficking and exploitation, within the last five years.

Let me know if you have any comments or are happy with this wording.

Many thanks,



[Redacted] (she/her)
Senior Policy Officer – Sectoral Marine Planning
Marine Scotland – Policy and Planning

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted]
Email: [Redacted] <[Redacted]@gov.scot>

From: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Sent: 13 April 2022 09:45
To: [Redacted] <[Redacted]@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;
[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: S6W-07719 for review

Thanks [Redacted]

I haven't looked at the guidance but if it's general guidance on human rights then wouldn't CES want to be in line with it? It just seems straightforward and of benefit for all parties to confirm that. In a way, it's beside the point whether it's actually relevant to the specific financial arrangements governing ScotWind. We can say we expect CES to abide by the guidance and they can abide by it, whether or not it has relevance to SW.

Have we asked CES whether they are happy to abide by the guidance? If they are, then I don't see why it's problematic to say we expect them to do so and that they do indeed operate in line with it.

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Mike Palmer
Deputy Director for Marine Planning and Policy

marinescotland

Scottish Government | Area GB-South | Victoria Quay | Edinburgh EH6 6QQ

Tel: [Redacted]

[Redacted]

email: mike.palmer@gov.scot

w: <http://www.gov.scot/marinescotland>

From: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Sent: 13 April 2022 08:47
To: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Cc: [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: S6W-07719 for review

Hi Mike,

[Redacted] and I questioned the application of the guidance last time we were queried on this. [Redacted]

The PQ asks whether there was an expectation from CES to have acted in line with the guidance, my understanding is that there weren't any expectations but CES process already looks at human rights so there were no concerns. I am happy to tweak the statement into something less strong.

Thank you,



[Redacted] (she/her)
Senior Policy Officer – Sectoral Marine Planning
Marine Scotland – Policy and Planning

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted]
Email: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)

From: Palmer MR (Mike) <Mike.Palmer@gov.scot>
Sent: 12 April 2022 18:47
To: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>
Cc: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>;
[Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: S6W-07719 for review

Thanks

I've queried why we wouldn't expect CES to act in accordance with the guidance. That would seem to be appropriate. Not sure why it wouldn't apply to SW?

Copying in and given sponsorship interests on this.

If you receive this email late at night, early in the morning, or at the weekend - it means I am working flexibly. Flexibility works for me, but please do not feel that you should have to pick this up outside of your own normal working hours.

Mike Palmer
Deputy Director for Marine Planning and Policy
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Scottish Government | Area GB-South | Victoria Quay | Edinburgh EH6 6QQ
Tel: [Redacted]

email: mike.palmer@gov.scot
w: <http://www.gov.scot/marinescotland>

From: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>

Sent: 12 April 2022 14:16

To: Palmer MR (Mike) <Mike.Palmer@gov.scot>

Cc: [Redacted] [@gov.scot](mailto: @gov.scot); [Redacted] [@gov.scot](mailto: @gov.scot)

Subject: S6W-07719 for review

Importance: High

Hi Mike,

Please see below the link to a PQ S6W-07719:

[PQ S6W-07719 - Liam McArthur - Due 15042022 \(A37484103\)](#)

The question is very similar to two PQs we replied to last month ([PQs W-06062, S6W-06063, S6W-06064 & S6W-06065 - from Liam McArthur and Colin Smyth - due 15022022 \(A36475862\)](#)). I am sending this draft to CES as well, to check if we can have some more detail on the guidance they have used.

The deadline for private office is the 15th April, so if you could have a look by lunch time on Thursday would be great.

Any questions, please let me know.

Thank you,

■

[Redacted] (she/her)

Senior Policy Officer – Sectoral Marine Planning

Marine Scotland – Policy and Planning

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted]

Email: [Redacted] [@gov.scot](mailto: @gov.scot)

From: [Redacted]
Subject: RE: Crown Estate Scotland and due diligence
Date: 04 April 2022 13:59:48
Attachments: [FW ScotWind PQs.msg](#)
[image001.png](#)

Hi [Redacted]

Original email from [Redacted] attached, including ScotWind Leasing Guidance Notes – hope this helps!

Thanks,

[Redacted]

From: [Redacted] <[Redacted]@gov.scot>
Sent: 04 April 2022 13:44
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: Crown Estate Scotland and due diligence

Hi both,

I have attached the email with the lines send by CES when we were drafting these PQs, I don't recall mentioning any specific guidance apart from the one mentioned in the PQs, in the chain [Redacted] mentions "p51 of the attached", @ [Redacted] was there a specific guidance attached to the email?

I have also attached a thread with [Redacted]

Best way forward could be to just get a clarification from CES, we could also go back to [Redacted] and ask to look into this again?

Thank you,

[Redacted]

[Redacted]

Senior Policy Officer – Sectoral Marine Planning
Marine Scotland – Policy and Planning

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Mobile: [Redacted]
Email: [Redacted]

From: [Redacted] <[Redacted]@gov.scot>
Sent: 04 April 2022 12:13
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: Crown Estate Scotland and due diligence

Hi [Redacted]

It was [Redacted] and I. I am pretty sure we did get lines from CES but would have to check. I'll go back to them and ask for some clarity.

We actually have a follow up PQ in just now:

To ask the Scottish Government, further to the answer to question S6W-06064 by Michael Matheson on 22 February 2022, whether it expects Crown Estate Scotland to have acted, specifically, in accordance with the Scottish Government publication, Guidance on due diligence: human rights, to conduct checks on the organisations in question.

[Redacted] can you recall if we were talking about particular guidance or just guidance which is relevant? e.g. we're CES being vague?

[Redacted]

[Redacted]
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From: [Redacted] <[Redacted]@gov.scot>
Sent: 03 April 2022 22:02
To: [Redacted] <[Redacted]@gov.scot>
Subject: FW: Crown Estate Scotland and due diligence

[Redacted - Out of Scope]

From: [Redacted] <[Redacted]@parliament.scot>
Sent: 01 April 2022 16:57
To: [Redacted] <[Redacted]@gov.scot>
Cc: [Redacted] <[Redacted]@parliament.scot>; [Redacted] <[Redacted]@gov.scot>

Subject: Crown Estate Scotland and due diligence

[Redacted - Out of
Scope]

[Redacted -
Out of
Scope]

[Redacted - Out of Scope]

[Redacted - Out of Scope]

[Redacted
]

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www.parliament.scot | <https://spice-spotlight.scot/> | @scotparl

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