

ANNEX A

Document 1: Email conversation between Lady Poole and Joe Griffin

From: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Sent: 12 August 2022 14:34
To: Griffin J (Joe) <Joe.Griffin@gov.scot>
Subject: Scottish Covid-19 Inquiry Chair terms of appointment

Dear Joe

I enjoyed meeting you on 6 July, and our constructive discussion.

One of the things we spoke about was my terms of appointment. [redacted]

There is one outstanding issue. It is an issue with regard to termination/resignation, [redacted] was given the assurance by the Scottish Government that I am seeking. Despite that, the sponsor team have once again been engaging in protracted email correspondence and meetings with my team.

There is increasing urgency in that the lack of formal indemnity in place means the Inquiry cannot move to its public-facing stages of making decisions on core participants, funding, etc. The former is due to go live early next week, but no decisions can be made in the absence of these terms being settled. The sponsor team are aware I work 80% FTE. There was a two week window, ending today, to resolve this before I have three non working weeks.

It's imperative the Inquiry has a sponsor team who can see the wood for the trees and can work at the pace the Inquiry needs. I would be grateful for any assistance you can give with helping this to happen.

Kind regards

Lady Poole

From: Griffin J (Joe) <Joe.Griffin@gov.scot>
Sent: 12 August 2022 14:57
To: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Subject: RE: Scottish Covid-19 Inquiry Chair terms of appointment

Thanks Lady Poole. Please forgive brevity – I am in a minibus on the M8. Let me look into this straight away. I'm sorry we haven't resolved it yet. I'll come back to you or [redacted] as quickly as I can. Best regards, Joe.

Sent with BlackBerry Work
www.blackberry.com

Document 2: Email from Joe Griffin to Lady Poole

From: Griffin J (Joe) <Joe.Griffin@gov.scot>
Sent: 15 August 2022 17:27
To: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Subject: Update

Dear Lady Poole,

In some ways I hope you are not reading this today, and focusing on your leave. If, however, you are dipping into Emails, I wanted just to let you know that we have had meetings today on finalising the letter of appointment. The plan is to put advice to the DFM as quickly as possible (there are some issues with some key people being on leave today), with a view to getting agreement. [redacted] is being very helpful, as always.

[redacted] and/or I will keep you posted.

Best wishes,
Joe

Joe Griffin
Director General, Education and Justice

Scottish Government
[redacted]

Document 3: Email from Deputy First Minister Private Office to Lady Poole

From: [redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 23 September 2022 16:23
To: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Cc: [redacted]@covid19inquiry.scot ; [redacted]@covid19inquiry.scot
Subject: Correspondence from the Deputy First Minister - 23 September 2022

Good afternoon,

Please find attached correspondence from the Deputy First Minister, for the attention of Lady Poole.

Kind Regards,

[redacted] The Scottish Government | Riaghaltas na h-Alba
St Andrew's House | Regent Road | Edinburgh | EH1 3DG

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Document 4: Email from Lady Poole to Deputy First Minister Private Office

From: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Sent: 26 September 2022 09:35
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: Correspondence from the Deputy First Minister - 23 September 2022

Please find attached a signed copy of my terms of appointment as requested.

Document 5: Email from Lady Poole to Deputy First Minister Private Office

From: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Sent: 30 September 2022 11:04
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Cc: Lord Carloway <Lord.carloway@scotcourts.gov.uk>; [redacted]@covid19inquiry.scot;
[redacted]@covid19inquiry.scot
Subject: For the attention of the Deputy First Minister

Dear Mr Swinney

Thank you for entrusting me to chair the Scottish COVID-19 Inquiry. With regret, I write to give 3 months written notice of my resignation as Chair under Clause 4.2 of the terms of appointment and Section 12(2) of the Inquiries Act 2005.

I am of course happy to assist with the transition to my successor.

I have copied in the Lord President, to whom I spoke before submitting this resignation, as well as the interim secretaries to the Inquiry.

Yours sincerely

Lady Poole

Lady Poole
Chair
Scottish COVID-19 Inquiry

Email: Lady.Poole@covid19inquiry.scot
FREEPOST Scottish Covid-19 Inquiry
www.covid19inquiry.scot

Document 6: Email from Deputy First Minister Private Office to Lady Poole

From: [redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 30 September 2022 11:20
To: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Cc: Lord Carloway <Lord.carloway@scotcourts.gov.uk>; [redacted]@covid19inquiry.scot;
[redacted]@covid19inquiry.scot
Subject: RE: For the attention of the Deputy First Minister

Dear Lady Poole

Thank you for your email which I have passed on to the Deputy First Minister. Mr Swinney has asked if it would be possible to have an urgent phone call – he is available just now to speak – would that be possible from your side?

Kind regards

[redacted]

Document 7: Email from Lady Poole to Deputy First Minister Private Office

From: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Sent: 30 September 2022 11:21
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: For the attention of the Deputy First Minister

Happy to do this, but I have a [redacted]. 5 minutes now, or after that

Document 8: Email from Deputy First Minister Private Office to Lady Poole

From: [redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 30 September 2022 11:24
To: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: For the attention of the Deputy First Minister

Thank you. Please dial in to the number below and enter the guest pin. The call is ready for you to join

[redacted]

Many thanks

[redacted]

Document 9: Email from Deputy First Minister Private Office to Lady Poole

From: [redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 30 September 2022 12:36
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>; Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot >
Subject: RE: For the attention of the Deputy First Minister

Dear Lady Poole

DFM appreciated your time this morning. He has asked me to check whether you would be able to speak again at 13:30 today? This would be via the same format as before.

Kind regards

[redacted]

Document 10: Email from Lady Poole to Deputy First Minister Private Office

From: Poole L (Lady Anna) <Lady.Poole @covid19inquiry.scot>
Sent: 30 September 2022 14:48
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: For the attention of the Deputy First Minister

Apologies for not picking this up earlier. I would be content to speak again within the next short while, if that is convenient.

Document 11: Email from Deputy First Minister Private Office to Lady Poole

From: [redacted] On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 30 September 2022 14:53
To: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>; Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: For the attention of the Deputy First Minister

Thank you Lady Poole. Please dial in to the number below at 1500:

[redacted]

Many thanks

[redacted]

Document 12: Email from Lady Poole to Deputy First Minister Private Office

From: Poole L (Lady Anna) <Lady.Poole@covid19inquiry.scot>
Sent: 30 September 2022 14:55
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Subject: RE: For the attention of the Deputy First Minister

I will do

Document 13: Minute of Meeting Between Deputy First Minister and Lady Poole (21 September)

From: [redacted]
Sent: 06 October 2022 16:12
To: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>
Cc: First Minister <firstminister@gov.scot>; Solicitor General <SolicitorGeneral@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education & Justice <dgej@gov.scot>; Legal Secretariat to the Lord Advocate <DLPCEALSLA@gov.scot>; Macniven R (Ruaraidh) <Ruaraidh.Macniven@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Director of Safer Communities <DirectorofSaferCommunities@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot; Communications DFM & Covid Recovery <CommunicationsDFM&CovidRecovery@gov.scot>; Communications First Minister <CommunicationsFirstMinister@gov.scot>; <[redacted]@gov.scot >; <[redacted]@gov.scot>; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot
Subject: RE: [redacted]: Scottish Covid Inquiry - Chair Appointment Letter - DFM Meeting Brief 21 September 2022

PS/DFM

[redacted],

I enclose below the note of DFM's meeting with Lady Poole on 21 September, as cleared by DFM and now circulated to wider copylist who were in copy for the meeting briefing and follow-up advice. I will file a copy of this email for the record. Apologies for the delay in getting this note circulated due to leave, but please let me know if you need anything further.

Best wishes,
[redacted]

BEGINS

DFM and Lady Poole met on 21 September, with Lady Poole supported by [redacted] and [redacted]. [redacted] as the Inquiry's sponsorship lead within SG provided official support to DFM.

The discussion covered Lady Poole's letter of appointment, recruitment to key roles within the Inquiry team, [redacted], and the Scottish Government's provision of documents as a respondent to the Scottish Inquiry. On this final point and given that it relates to SG's interests as a respondent and not as the sponsor of the Inquiry, it has been passed to Ian Donaldson for any further action needed and therefore is not covered further in this note.

Letter of appointment

DFM and Lady Poole agreed the importance of addressing the last remaining issue and finalising the appointment letter. [redacted]. DFM noted that he was keen to understand her concerns further, given that her appointment as a judge is entirely separate to her appointment as Inquiry Chair, and in particular the concerns Lady Poole had expressed around reputational damage. Lady Poole noted that as a sitting senator her circumstances are different in comparison to retired senators chairing public inquiries, given she expects to return to a judicial career of significant duration after the inquiry ends. [redacted]. Lady Poole conceded that her original wording proposed to amend section 5.4 had not been accepted by SG and had been superceded by the new proposals put forward in advance of this meeting, but noted that she was not prepared to accept the wording in the letter at 5.4 unless some amendment was made.

‘You are not entitled to any gratuity when your appointment to the inquiry ends. Your other legal rights remain unaffected.’

It was noted that this was intended to achieve a “middle ground” of approach in the same way as had been done for the confidentiality clause in the appointment letter (where SG had accepted Lady Poole’s proposed amendment to the original wording). The intention of this new wording is to make clear that gratuities, allowances and compensation do not arise by virtue of the appointment as Chair of the Inquiry, but other rights that Lady Poole already has in law (for example, a right to pursue litigation) would not be affected. DFM undertook to give urgent consideration to this new proposed wording following advice from officials. The [redacted] undertook to submit the wording formally to the sponsor team in writing following the meeting (now received).

[redacted]

Staffing and key appointments

Lady Poole raised concerns in relation to timescales and advice the Inquiry has been given by SG People Directorate for the recruitment processes for the permanent Secretary to the Inquiry and the deputy solicitor. DFM noted that the inquiry recruitment processes and getting key staff in place must move swiftly and be prioritised within SG, and underlined his commitment to ensuring the Inquiry is getting the support it needs from SG. DFM extended an offer for matters of concern to be raised with the sponsor team or his private office, which Lady Poole welcomed. DFM asked the sponsor team to engage with People Directorate and Procurement on the concerns raised by Lady Poole and ensure these were resolved (now underway).

ENDS

Document 14: Email from Deputy First Minister Private Office – Minute of Telephone Meetings Between Deputy First Minister and Lady Poole (30 September)

From: [redacted]@gov.scot On Behalf Of Deputy First Minister and Cabinet Secretary for Covid Recovery

Sent: 19 October 2022 15:53

To: [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot

Cc: Deputy First Minister and Cabinet Secretary for Covid Recovery <DFMCSCR@gov.scot>

Subject: Notes of DFM/Lady Poole calls

[redacted – out of scope].

1. Call with Lady Poole – 11:25 Friday 30 September

Attendees: DFM, Lady Poole, [redacted]

After receiving Lady Poole's email of resignation at 11:04 on Friday 30 September, the Deputy First Minister sought an urgent call with Lady Poole which took place at 11:25.

Lady Poole informed the DFM that due to personal reasons she was making the decision to resign from her role as Chair of the Covid-19 Inquiry.

Lady Poole let the DFM know that, the day before, four out of six Counsel had resigned.

The DFM asked Lady Poole whether there was anything that could be done which would allow Lady Poole to continue in her role, but Lady Poole declined.

Lady Poole said that she would be happy to assist with the transition to her successor.

Lady Poole had a prior engagement to attend and so this was a short telephone call of around five minutes.

2. Call with Lady Poole – 15:00 Friday 30 September

Attendees: DFM, Lady Poole, [redacted]

The DFM and Lady Poole had a follow up call, given the short nature of their original call. The DFM began by stating that he wanted to explore whether this was a final decision from Lady Poole. Lady Poole reiterated her earlier position. DFM was sorry to hear this and said that this is not the outcome that he had hoped for.

Lady Poole stated that she has three months' notice to work and so she would continue until the end of the year, and assist with transition to her successor.

The DFM and Lady Poole had a discussion about communication of this and agreed that their respective communications teams would work together to agree a suitable plan.

The call ended with the DFM and Lady Poole conveying their thanks to one another for the work conducted over the last twelve months.

Many thanks

[redacted] Deputy First Minister of Scotland and Cabinet Secretary for Covid Recovery - John Swinney MSP | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: 0131 244 3650/[redacted] | E: DFMCSR@gov.scot