

Annex A

Item 1 –

From: [redacted]

Sent: 04 May 2023 15:18

To: Minister for Independence <MinisterforIndy@gov.scot>

Cc: Brian Dornan <Brian.Dornan@gov.scot>; [redacted]

Subject: Off Sen - Note on academic engagement - draft Constitution paper

Hi [redacted]

Here is the note on academic engagement requested by Mr Hepburn at our meeting last week -

File Note - Minister for Independence - academic engagement on draft Constitution prospectus paper May 2023 details - Objective ECM (scotland.gov.uk)

(Document can be seen under Item 2)

If you have any difficulties opening the ERDM link, please let me know. I have attached a Word version for ease of reference.

Kind regards

[redacted]

[redacted]

**Directorate for Constitution
Scottish Government**

[redacted]

Item 2 –

Minister for Independence: Further advice on CFD engagement with academics on drafts of Building a New Scotland: Creating a modern constitution for an independent Scotland – file note

Background

At our briefing on 25 April 2023 the Minister asked officials for a note of the academics we have engaged with on the drafting of the prospectus paper “Creating a modern constitution for an independent Scotland.”

Context for academic engagement

In order to provide the people of Scotland with the information they need to make an informed choice about their constitutional future, officials sought academic expertise to ensure the draft prospectus paper was informed by research-based knowledge and insight.

Basis of engagement

Individual academics and officials conducted Teams conversations or face-to-face meetings on the basis, communicated with all academics, that:

- Academics could participate in conversations without compromising any commitment to impartiality
- The conversations were a safe space for the sharing of knowledge and ideas, taking place on the understanding that exchanges would remain private and confidential (though the fact and the record of meetings could be disclosed through FOI, if a relevant request were received)
- Any sustained engagement and sharing of expertise would be acknowledged appropriately (e.g., a testimonial letter).

No testimonial letters have been requested or issued thus far.

List of academics

To date, officials engaged with the following academics:

- Professor Christine Bell, University of Edinburgh. Professor of Constitutional Law
- Dr Elliot Bulmer. Author of *Constituting Scotland: The Scottish National Movement and the Westminster Model* (2016) and Research Director of the Constitutional Commission (2009-13)
- Professor Nicola McEwen, University of Edinburgh. Professor of Territorial Politics
- Professor Aileen McHarg, University of Durham. Professor of Public Law and Human Rights
- Professor Alan Miller, University of Strathclyde. Professor of Practice in Human Rights Law

Constitutional Futures Division, 4 May 2023

Item 3 –

From: [redacted] **On Behalf Of** Constitutional Futures

Sent: 13 July 2023 09:37

To: [redacted]

Subject: Freedom of Information request

Good morning,

I am writing to advise you that the Scottish Government has received a request under the Freedom of Information (Scotland) Act 2002 (FOISA) for a list of names of any external individuals or organisations that members of staff working within the Constitutional Futures Division have met with since March 2021.

You have an interest in the information which has been requested because you have attended a meeting which included staff within the Constitutional Futures Division.

Therefore, I am writing to advise you that your name will be included in the list within the response to the FOISA request. We expect this to be issued in the coming days.

I should also explain that we can withhold information only if an exemption under FOISA applies to that information and, where applicable, the public interest in

disclosure is not outweighed by the public interest in upholding the exemption. You can find detailed information about FOISA on our website at: <https://www.gov.scot/about/contact-information/how-to-request-information/> or on the Scottish Information Commissioner's website at: <https://www.itspubliknowledge.info/>.

Kind regards

[redacted]

Constitutional Futures Division
Directorate for Constitution
The Scottish Government
2W, St Andrew's House, Edinburgh, EH1 3DG

Item 4 –

Note of meeting between Professor Aileen McHarg and SG officials 26 May 2022

Attendees

- Professor Aileen McHarg, Durham University
- Officials: **[redacted]** Brian Dornan, **[redacted]**

Background

As part of the wider prospectus programme to provide the people of Scotland with the information they need to make an informed choice about their constitutional future, officials sought academic expertise to ensure the draft prospectus paper on the constitution, rights and equality was informed by research-based knowledge and insight.

Officials conducted a Teams conversation with Professor McHarg on the following basis as agreed in advance of the meeting:

- That we anticipate that academics would participate in conversations without compromising any commitment to impartiality
- That conversations would be a safe space for the sharing of knowledge and ideas, taking place on the understanding that exchanges would remain private and confidential
- That any sustained engagement and sharing of expertise could be acknowledged appropriately (e.g. through a testimonial letter)

Discussion

Officials set out the main arguments and policy proposals which were under development in the draft prospectus publication.

Subsequent discussion drew on Professor McHarg's expertise as a legal and human rights scholar.

Item 5 –

Note of meeting between Professor Aileen McHarg and SG officials 1 June 2022

Attendees

- Professor Aileen McHarg, Durham University
- Officials: [redacted]

Background

As part of the wider prospectus programme to provide the people of Scotland with the information they need to make an informed choice about their constitutional future, officials sought academic expertise to ensure the draft prospectus paper on the constitution, rights and equality was informed by research-based knowledge and insight.

Officials conducted a Teams conversation with Professor McHarg on the following basis as agreed in advance of the meeting:

- That we anticipate that academics would participate in conversations without compromising any commitment to impartiality
- That conversations would be a safe space for the sharing of knowledge and ideas, taking place on the understanding that exchanges would remain private and confidential
- That any sustained engagement and sharing of expertise could be acknowledged appropriately (e.g. through a testimonial letter)

Discussion

Discussion focused on the main arguments and policy proposals contained in the latest draft of the prospectus publication (which had been shared with Professor McHarg prior to the meeting)

Item 6 –

From: [redacted]

Sent on: Monday, June 19, 2023 12:25:44 PM

To: MCHARG, AILEEN T. <[redacted]>

CC: [redacted]

Subject: Building a New Scotland: Creating a modern constitution for an independent Scotland

Dear Aileen,

I hope you're well. Thank you very much again for your engagement during the development of the [Building a New Scotland: Creating a modern constitution for an independent Scotland](#) paper published today.

We really appreciated your time and insight during the drafting process, and will be in touch again soon if that's alright.

If you have any queries for us, please don't hesitate to get in touch.

Thanks again, and best wishes,

[redacted]

[redacted] Constitution, International and Migration Analysis | SG Central Analysis Division |
Scottish Government | 2W St Andrew's House, Regent Road, Edinburgh, EH1 3DG | Tel:

[redacted]

Item 7 –

From: **[redacted]**

Sent on: Friday, July 7, 2023 12:56:40 PM

To: **[redacted]**

Subject: FW: Scottish Government constitution work: Query regarding potential discussion

For filing re basis of discussion:

From: MCHARG, AILEEN T. <**[redacted]**>

Sent: 18 May 2022 11:40

To: **[redacted]**

Subject: RE: Scottish Government constitution work: Query regarding potential discussion

Dear **[redacted]**

Many thanks for getting in touch. I'm very happy to help in whatever way I can. I'm relatively free at the moment. Next week, I could any day other than Wednesday. The following week, I'm completely free (although I think 2 and 3 June are public holidays).

I can meet online or in person, as suits you best.

Best wishes

Aileen

From: **[redacted]**

Sent: 18 May 2022 10:12

To: MCHARG, AILEEN T. <**[redacted]**>

Subject: Scottish Government constitution work: Query regarding potential discussion

[EXTERNAL EMAIL]

Dear Professor McHarg,

I hope you're well. I work in the Scottish Government's Central Analysis Division, and provide research support to colleagues working on the Scottish Government's Programme for Government commitment to work on a detailed prospectus for an independent Scotland.

We are keen to harness academic expertise to ensure the prospectus is informed by research-based knowledge and insight, and are currently working on themes that I understand are related to your areas of research interest.

There are a few points we would welcome your expertise on, and I wondered if you would be happy to meet (on Teams if that suits) to discuss these, if possible sometime in the next couple of weeks?

Just to confirm the basis on which we would hope to discuss these with you:

- We would anticipate that you would participate in any conversation without compromising any commitment to impartiality.
- We would request that any conversations are a safe space for the sharing of knowledge and ideas, and for them to take place on the understanding that our exchanges remain private and confidential.
- Any sustained engagement and sharing of expertise would be acknowledged appropriately (e.g. a testimonial letter).

If you would be happy to meet to discuss, I'd be grateful if you could let me know if you have any availability in the next couple of weeks in the first instance please.

If you have any queries, please don't hesitate to get in touch.

Kind regards,

[redacted]

[redacted] Constitution, International and Migration Analysis | SG Central Analysis Division | Scottish Government | 2W St Andrew's House, Regent Road, Edinburgh, EH1 3DG | Tel:

[redacted]

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