



Conversation about Fergusons (Fergusons - confidentiality agreements - follow up)

Exported: 17/05/2022 19:39

Conversation Details

With: Michael Blackley

On behalf of: Scottish Daily Mail

Telephone: [Redacted]

Related topic: Fergusons - confidentiality agreements - follow up

Proactivity: Reactive

Owner: [Redacted]

Team: Finance and the Economy

Date and time: 21/02/2020 10:45

Duration: A day

Status: Closed

Word Count: 200

Duration (MANDATORY): 8 hr

Type of Media: National

Who cleared comment?: Minister

Originally created: 24/02/2020 12:44 by [Redacted]

Last updated: 24/02/2020 12:44 by [Redacted]

Notes

21/02/2020 10:45 - [Redacted] added the following note:

A Scottish Government spokesperson said:

"The Scottish Government will be providing a detailed response to Mr McColl's committee evidence, which included a number of points we do not recognise.

"The Scottish Government has not asked any staff to sign a non-disclosure agreement (NDA).

"At the start of their employment at FMEL – prior to the Scottish Government taking control – senior management signed confidentiality clauses as part of their conditions of employment with the previous owner of the business. To ensure that former members of the FMEL management team were able to engage openly with the Parliamentary inquiry into the construction and procurement of ferries in Scotland, the Scottish Government secured the agreement of the FMEL Administrator to release former FMEL employees from their contractual confidentiality obligation for that purpose.

"A small number of staff have left by mutual agreement but no staff have been dismissed and in fact the workforce at Ferguson Marine has increased by nearly 50 people, since it entered public ownership.

"We have worked for more than two years to find a resolution to the difficulties at Ferguson Marine with the completion of the two CalMac ferries, protecting jobs, and securing a future for the yard as our priorities. These remain our priorities."

Background

While the First Minister has not been asked to attend committee, Ministers regularly accept formal requests to give evidence and the Minister for Energy, Connectivity and the Islands has already agreed to do so.

It is for parliamentary committee clerks to issue all invitations to give evidence, and these are a matter for the

individual and the committee concerned.

In his letter to the Rural Economy and Connectivity Committee on 3 February 2020 the Turnaround Director wrote: "My investigations have not found any Non-Disclosure Agreements relating to existing employees, and I can confirm beyond doubt that none have been signed since FMEL entered Administration on 16th August 2019. For completeness, at the start of their employment with FMEL, prior to the Scottish Government taking control of the business, the senior management of FMEL agreed to confidentiality obligations as part of their Conditions of Employment with the previous owners of the business."

21/02/2020 10:45 - [Redacted] added the following note:

The Daily Mail has come back on yesterday's line asking about confidentiality clauses for former Ferguson employees, rather than specifying NDAs. More detail is copied below, but the Mail story will be Mr McColl accusing us of lying over the issue, claims the Mail has proof certain staff have signed confidentiality agreements and that comments from REC convener prove that NDAs had been loosened.

A Scottish Government spokesperson said:

"The Scottish Government will be providing a detailed response to Mr McColl's committee evidence, which included a number of points we do not recognise.

"The Scottish Government has not asked any staff to sign a non-disclosure agreement (NDA).

"At the start of their employment at FMEL – prior to the Scottish Government taking control – senior management signed confidentiality clauses as part of their conditions of employment with the previous owner of the business. To ensure that former members of the FMEL management team were able to engage openly with the Parliamentary inquiry into the construction and procurement of ferries in Scotland, the Scottish Government secured the agreement of the FMEL Administrator to release former FMEL employees from their contractual confidentiality obligation for that purpose.

"A small number of staff have left by mutual agreement but no staff have been dismissed and in fact the workforce at Ferguson Marine has increased by nearly 50 people, since it entered public ownership.

"We have worked for more than two years to find a resolution to the difficulties at Ferguson Marine with the completion of the two CalMac ferries, protecting jobs, and securing a future for the yard as our priorities. These remain our priorities."

Background

While the First Minister has not been asked to attend committee, Ministers regularly accept formal requests to give evidence and the Minister for Energy, Connectivity and the Islands has already agreed to do so.

It is for parliamentary committee clerks to issue all invitations to give evidence, and these are a matter for the individual and the committee concerned.

In his letter (hyperlink https://www.parliament.scot/S5_Rural/General%20Documents/20200203_RECC_-_Request_to_Follow_up_Infomtaion_by_Ferguson_Marine.pdf) to the Rural Economy and Connectivity Committee on 3 February 2020 the Turnaround Director wrote:

"My investigations have not found any Non-Disclosure Agreements relating to existing employees, and I can confirm beyond doubt that none have been signed since FMEL entered Administration on 16th August 2019. For completeness, at the start of their employment with FMEL, prior to the Scottish Government taking control of the business, the senior management of FMEL agreed to confidentiality obligations as part of their Conditions of Employment with the previous owners of the business."

ends

Cleared - CS Economy

Rooney M (Maureen) ; [Redacted]

; Pacitti F (Frances) ; [Redacted]

; News Desk ; Communications Economy ; [Redacted]

(Comms) ; Press Transport Scotland ; DG Economy ; [Redacted] ; Rollison R (Richard) ; Rhatigan D (Dermot) ; [Redacted] ; Corporate Communications ;

[Redacted] ; McCaig C (Callum) ; Ingebrigtsen R (Ross) ; Lloyd E (Elizabeth) ; Nicolson S (Stuart) Special Adviser From Daily Mail - Jim McColl has claimed that the government is lying about this issue. Evidence he has submitted to the rural economy and connectivity committee states that several staff members signed non-disclosure agreements. I have also managed to establish that confidentiality agreements have been signed with the following former staff members: [Redacted] , [Redacted] , [Redacted] , [Redacted] .

Reference was also made to the existence of these agreements by Edward Mountain at the beginning of the rural economy and connectivity meeting earlier this month, as the following extract from the official report of February 5 shows:

*The Convener: I welcome everyone back.
Good morning to those who have just joined us.
There have been a couple of amended
agendas, and the agenda has changed yet again
since the papers for this meeting were published
on the website. Committee members are aware of
that. The changes are the result of a relaxation of
non-disclosure agreements, which has allowed
witnesses to feel comfortable to attend. I am
grateful that that has been allowed as a result of
the work that the committee has done.*