

## TIMELINE – DEVELOPMENT OF PROCEDURE

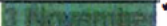
INCLUDED IN DEVELOPMENT OF PROCEDURE TIMELINE PUBLISHED BY COMMITTEE

NOT INCLUDED IN DEVELOPMENT OF PROCEDURE TIMELINE PUBLISHED BY COMMITTEE

DIRECTLY RELATED TO THE FM

**JS** - comment from John Somers

Date	PROCEDURE	COMPLAINTS	MEETINGS
<b>2017</b>			
30 October *	FM writes to Presiding Officer		
31 October *	Cabinet commissions Perm Sec to undertake a review of SG's policies and processes for handling harassment complaints.  DFM answers topical PQ about sexual harassment and announces review.		Cabinet decision / discussion
2 November *	Perm Sec writes to all staff about support processes and policy review  People Directorate commenced an internal assessment of processes and policies. This highlighted a number of areas for action which included: -work to review the existing Fairness at Work and disciplinary procedures through the lens of sexual harassment; a review of processes for handling complaints against Ministers or former Ministers;		Perm Sec and Nicky Richards catch up (by phone)

	<p>-development of the support offer for staff; and          -a programme of staff communications.</p> <p><b>This work included an assessment of the available mechanisms for individuals to raise concerns about sexual harassment and resulted in the production of a Route Map which described how complaints of sexual harassment might be raised. This identified that there was a gap in terms of having a procedure that could be deployed should any historical complaints arise in Scotland. As a result, SG officials began work on the development of a new procedure that could be applied in respect of former Ministers. This work was led by the Head of Cabinet, Parliament and Governance Division, James Hynd working closely with colleagues in People Directorate and SGLD</b></p>		
	<p>Sir Jeremy Heywood letter to all UK Permanent Secretaries.</p>	<p>Ms A sends email to Perm Sec box welcoming review and asking that point around independent contact be considered as part of review. <i>(NB – it was clearly not known at this stage that that the correspondent would on to submit a formal complaint as Ms A)</i></p>	

		[Redacted] responds noting that Perm Sec is out of the office but has seen Ms A's note and offers assurance independent contact is being considered.	
4 November		Ms A responds confirming she is content for her feedback to be considered as part of review.  [Redacted]	
6 November *	Perm Sec article on Saltire to make clear that harassment would not be tolerated and highlight how concerns could be raised.	Perm Sec private office update email to Perm Sec confirms that response has issued to Ms A	
7 November *	James Hynd creates first draft of the procedure.	Initial text contact with Ms B and Barbara Allison	Perm Sec meets with James Hynd and [Redacted]  FM / Perm Sec regular post Cabinet catch up
8 November	Version 2.0 of the draft procedure circulated for comment.	Telephone call between Ms B and Barbara Allison	
9 November	[Redacted] provides comments on version 2.0	Barbara Allison updates Perm Sec re call – no details of individual provided	Perm Sec call with FM  Nicky Richards updates Perm Sec.
10 November	Version 3.0 of the draft procedure circulated for comment.  Following further comments from [Redacted], version 4.0 is sent to Perm Sec.		Perm Sec writes to Gillian Russell confirming appointment as staff confidante.  Perm Sec writes to Barbara Allison confirming pastoral care role for staff.  Perm Sec calls with Sir John Elvidge and Sir Peter Housden.

			FDA writes to Perm Sec
11 November		Barbara Allison updates Ms B on conversation with Perm Sec	
13 November	Perm Sec writes to all staff – including setting out role of Gillian Russell as confidential sounding board.	Barbara Allison sends email to Ms B with copy of the staff message issued by Perm Sec that day Barbara Allison in a text says that she has mentioned to Gillian Russell that she may be contacted [Redacted]	Perm Sec responds to FDA
14 November	Version 5.0 of the draft procedure circulated for comment. Following comments from Nicky Richards and [Redacted], version 6.0 is circulated for comments	Ms B texts to confirm to Barbara Allison that she is content that she has said her piece, but is willing to reengage if helpful,	Perm Sec meets with Nicky Richards Perm Sec call with Gillian Russell. FM / Perm Sec regular post Cabinet catch up
	Following further comments from Nicky Richards, version 7.0 is sent to Perm Sec for comments.  Perm Sec provides comments		
16 November	Final draft 2.0 produced which includes Perm Sec comments and James Hynd's drafting changes in response	[Redacted]	Perm Sec and Nicky Richards catch up (by phone)  FDA writes to Perm Sec re commitment, engagement of unions and resourcing
17 November			Liz L engages with draft procedure:  <b>JS – Extract from the SP Official Record – SGHHC committee. 25 Aug 2020.</b> <b>James Hynd: The procedure was still in draft at that point. We had been</b>

			<p><i>working on it, clearly, for 10 days or so and it had gone through various iterations. By—if I can just check my notes—17 November, we had moved the procedure on from dealing with former ministers to include current ministers and former ministers of other parties. Through the iterative process, the procedure had developed quite a bit further. The chief of staff's interest at that time—and I think that that is identified in the report that has been submitted— was to ensure that there was an appropriate recognition of the First Minister's responsibilities and a separation of responsibilities between the First Minister and the permanent secretary. (see Annex 3)</i></p> <p><b>JS - See Annex 4 for Liz statement to SGHHC committee on this</b></p>
20 November	Final draft 3.0 produced	John Somers meets Ms A.	
21 November		John Somers meets Ms A again.	<p>Perm Sec meets FM to discuss proposed complaints process</p> <p><i>(as noted in the Open Record pg 15 - 13/12/18)</i></p>

22 November	<p>FM writes to Perm Sec indicating that review of policies should include provisions for “current and former Ministers” and not to be constrained by passage of time.</p> <p>In a letter to the Permanent Secretary, the First Minister noted that the Permanent Secretary had kept her briefed on the review of SG policies; and observed that in many instances the complaints being made about misconduct and sexual harassment in public life were concerned with events that had taken place sometime before. On that basis, the First Minister indicated that the review being taken forward should ensure that arrangements were in place to address concerns about the conduct of both current and former Ministers.</p>	<p>Gillian Russell and Barbara Allison meet with Ms A at her request.</p> <p>Barbara Allison texts Ms B to let her know that Gillian Russell [Redacted] Barbara Allison notes that she has not made a note of Ms B story and asks if that is something that she should offer to do.</p>	Perm Sec MYR with Sir Jeremy Heywood.
23 November		[Redacted]	<p>Nicky Richards updates Perm Sec on developments, including reports of allegations against former Minister and concerns of non-Ministerial nature.</p> <p><i>(JS – I don't know what this related to)</i></p>
24 November	[Redacted] comments on final draft 5.0.		Meeting with James Hynd, Liz L, Perm Sec PS and John

	<p>A version of the procedure sent to FM. (See Annex 1: EMAIL 10)</p> <p><b>(JS - I think we passed this to you in hard-copy)</b></p>		<p><b>JS – extract from SP Official Record – SGHHC committee. 25 Aug 2020.</b></p> <p><b>James Hynd:</b> During the exchanges that I had with the chief of staff, particularly at a meeting on 24 November, she indicated that the procedure should be developed further to remove from the First Minister the role to decide how to investigate complaints against current ministers in particular. As a result of that, the drafting moved to indicate that the permanent secretary would, if she felt there was a case to answer regarding a complaint against a current minister, automatically trigger the investigation without recourse to the First Minister. In some ways, it was a strengthening of the independence of the procedure from the First Minister that put the responsibility to decide whether to initiate an investigation against a current minister on to the permanent secretary. In the engagements that I had with the chief of staff, she was reflecting what she felt was the First Minister’s view that the First Minister should have less and less involvement in the operation of the procedure at an operational level. ( see annex 3)</p> <p><b>JS - See Annex 4 for Liz statement to SGHHC committee on this</b></p>
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26 November	Exchanges between James Hynd and [Redacted] creates final draft 6.0		
27 November	<p>Final draft 6.1 circulated.</p> <p>Following meeting with Perm Sec, Nicky Richards commissions James Hynd to draft letters to FFMs and party leaders.</p>		Perm Sec meets with Nicky Richards
28 November	<p>James Hynd sends Perm Sec draft letters from FM to FFMs and Party Leaders.</p> <p>Nicky Richards asks Gillian Russell and Barbara Allison to ask those who came forward if they would wish to meet with HR to discuss organisational response. Email sets out intention to share developing procedure with those who came forward.</p>		
29 November	[Redacted] note suggesting FM may write to all former Ministers as well as FFMs and asks James Hynd to provide further draft - 6.2	<p>Gillian Russell and Barbara Allison meet Ms A at her request. Gillian Russell sends draft note of the meeting by email to Ms A following conversation. Ms A confirms that she will contact with Nicky Richards.</p> <p>Barbara Allison contacts Ms B [Redacted] re offer to speak to HR if she wishes.</p>	<p>Perm Sec meeting with FM in SAH. Meeting included discussion of draft procedure and note of 24/11.</p> <p><b><i>JS – I only have this information from reviewing the Open Record pg 24 - 13/12/18 – Perm Sec testimony.</i></b></p> <p><b><i>I note that this was the regular post-Cabinet 1:1 that had not occurred on previous day due to</i></b></p>



			<p><b><i>your schedule – you had a Homelessness visit with Street Action directly after Cabinet</i></b></p> <p>Perm Sec meets with Nicky Richards and Barbara Allison</p>
30 November	<p>Final draft 6.2 sent to Perm Sec</p> <p>James Hynd provides draft letter to former Ministers.</p>	<p>Ms A contacts Nicky Richards. Meeting set for 5 December.</p>	<p>Perm Sec and Nicky Richards catch up (by phone)</p>
1 December	<p>Nicky Richards requests latest version of procedure in order to test it with key individuals.</p>		
5 December	<p>Nicky Richards circulates final draft 6.4 to James Hynd, [Redacted] and Judith Mackinnon for comments.</p>	<p>Nicky Richards and Judith Mackinnon meet with Ms A.</p>	<p>FM / Perm Sec regular post Cabinet catch up</p>
6 December	<p>Final draft 6.5 submitted to Perm Sec by Nicky Richards.</p> <p>Email from Leslie Evans to Nicky Richards and James Hynd. Refers to discussion the previous evening (5 December) with John Somers and agreement not to send up any letters 'just now'. None of these letters were subsequently issued.</p> <p><b><i>JS – I don't recall this at all but the 6<sup>th</sup> Dec is a Wednesday; if we would only have given you urgent papers on a Wednesday night when you have FMQs on a Thursday morning. That's why I assume I</i></b></p>		

	<p><b>would have said to 'hold off' unless urgent.</b></p> <p>Survey on sexual harassment issued to all staff at Scottish Parliament (for completion by 19 January 2018).</p>		
7 December		Judith Mackinnon speaks with Ms B as follow up to her contact with Barbara Allison.	<p>FM meeting with Perm Sec</p> <p><b>JS – the diary entry reads:</b></p> <p>'FM keen to meet the Perm Sec this afternoon. This is the only time we can do is it possible for the Perm Sec to make it down for then?'</p> <p><b>I note that you had a meeting on "EU withdrawal Bill" with DFM, Mr Russell, Ms Hyslop and SPADs directly after this. Also while I don't recall, I think this meeting with Perm Sec was re the Budget statement which was the following week on the 14<sup>th</sup> Dec.</b></p>
8 December		Judith Mackinnon shares options with Ms B	
10 December		[Redacted]	
12 December	<p>FM makes minor handwritten amendment to the draft procedure to make clear that she would only be made aware of the outcome once an investigation had been completed. James Hynd creates final draft 7.0</p>		Perm Sec meets with FM (regular 1:1)

	(See Annex 2 EMAIL 14)		
	<b>JS – This was a Tuesday so it was likely you handed this to me either pre/post Cabinet and I passed it on to James (as he'd be there)</b>		
13 December		[Redacted]	
14 December	<p>Draft Procedure shared with Unions.</p> <p>Comments received from TUs on 20 December. Minor revisions agreed, including emphasising Perm Sec's duty of care.</p> <p>Agreement that the new procedure would be used for any 'harassment' claims, including those of a sexual nature, and that its wider applicability would be addressed in the ongoing review of the Fairness at Work policy.</p>	<p>Nicky Richards follows up meeting of 5 December with Ms A setting out options. Also confirms two other people are considering position.</p> <p>[Redacted]</p>	Perm Sec and Nicky Richards catch up (by phone)
15 December	Nicky Richards emails timeline on contact and plans for investigation in case a complaint is made whilst she is on leave over Christmas period.		
19 December		Ms A responds to Nicky Richards saying she is considering a formal complaint and that she would like to meet in the new year to consider further.	Perm Sec meets with FM (regular 1:1)  People Directorate meet with TU representatives.
20 December	[Redacted] send John Somers version of procedure with TU comments as track changes.		David Harvie (Crown Agent) Mid Year Review with Perm Sec

	<p><b>JS – I was asked about this at committee - it was likely that I asked for it so I could confirm , should you ask me, that the unions had fed-in and finalised their feedback.</b></p> <p>Permanent Secretary writes to First Minister with final version of Scottish Government procedure for handling harassment complaints involving current and former ministers procedure.</p> <p>First Minister agrees the new procedure.</p> <p>The new procedure comes into effect.</p>		
<b>2018</b>			
January	<p>Bullying, Harassment and Misconduct Survey for UK Civil Service launched (commissioned by Sue Owens). Closes at end of May 2018.</p>		
15 January			<p>Perm Sec meeting with Sir John Elvidge – catch up coffee.</p> <p>Perm Sec meeting with David Harvie - regular 1-2-1.</p> <p>Perm Sec meeting with Lord Advocate – catch up coffee.</p>
16 January		Nicky Richards meets with Ms A.	Perm Sec meets with FM (regular 1:1)

		<p>Ms A makes formal complaint.</p> <p>Judith Mackinnon appointed Investigating Officer.</p> <p>Barbara Allison texts Ms B to say a belated thanks for the Christmas card (no contact between 29 Nov and 16 Jan). This was final contact.</p>	
24 January		<p>Ms B makes formal complaint.</p> <p>Judith Mackinnon appointed Investigating Officer.</p>	
8 February	<p>New procedure published on SG intranet, along with revised Scottish Ministerial Code.</p>		
12 February	<p>Perm Sec weekly blog highlights the new procedure, and provides a link to it and to the route map.</p>		