
From: [redacted s38] **On Behalf Of** Cabinet Secretary for Education & Skills

Sent: Tuesday, June 13, 2023 11:16 AM

To: First Minister <FirstMinister@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; [redacted s38] Colin McAllister <Colin.McAllister@gov.scot>; [redacted s38] >

Subject: RE: Ministerial Code - Response to Douglas Ross MSP

Thanks [redacted s38], Cab Sec has noted.

[redacted s38]

[redacted s38] | Office of the Cabinet Secretary for Education and Skills – Jenny Gilruth | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | E: CabSecforES@gov.scot

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. Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From[redacted s38] >

Sent: Monday, June 12, 2023 5:23 PM

To: Emily Mackintosh <Emily.Mackintosh@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; [redacted s38]; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>

Subject: RE: Ministerial Code Advice - Railworks

Yes the letter has issued and they confirmed receipt – attached (same version as earlier).

Many thanks,

[redacted s38]

[redacted s38]

**Deputy Private Secretary
Office of the First Minister**

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: Emily Mackintosh <Emily.Mackintosh@gov.scot>
Sent: Monday, June 12, 2023 5:20 PM
To: [redacted s38] >; Christopher Mackie <Christopher.Mackie@gov.scot>; First Minister <FirstMinister@gov.scot> [redacted s38] Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>
Subject: RE: Ministerial Code Advice - Railworks

Can I just confirm this has issued?

Thanks,
Emily

From: [redacted s38] > **On Behalf Of** First Minister
Sent: Monday, June 12, 2023 10:23 AM
To: Christopher Mackie <Christopher.Mackie@gov.scot>; First Minister <FirstMinister@gov.scot>
Cc: Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; [redacted s38]
Subject: RE: Ministerial Code Advice - Railworks

Attached a copy of the letter – to confirm this hasn't issued yet but will do shortly.

Let me know if you need anything else.

Many thanks,
[redacted s38]
Deputy Private Secretary
Office of the First Minister
5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: Christopher Mackie <Christopher.Mackie@gov.scot>
Sent: Monday, June 12, 2023 10:21 AM
To: First Minister <FirstMinister@gov.scot>
Cc: Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; [redacted s38]
Subject: RE: Ministerial Code Advice - Railworks

[redacted s38] can you share the details of the letter with Comms and spads please? Likely we will get calls about it when the Conservatives news release it.

Thanks

Chris

Chris Mackie
Principal Private Secretary to the First Minister
5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: [redacted s38]



From: [redacted s38] > **On Behalf Of** First Minister
Sent: Monday, June 12, 2023 1:43 PM
To: Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; [redacted s38] >; Colin McAllister <Colin.McAllister@gov.scot>; [redacted s38] >; First Minister <FirstMinister@gov.scot>
Subject: Ministerial Code - Response to Douglas Ross MSP

Helen,

To confirm I have now issued the attached letter to Douglas Ross MSP and have attached for your records.

PS/Cabinet Secretary for Education & Skills – grateful if you could share with the Cabinet Secretary for her awareness.

Many thanks,
[redacted s38]

Deputy Private Secretary
Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: [redacted s38]

Sent: Monday, June 12, 2023 2:24 PM

To: [redacted s38] Helen Webster <Helen.Webster@gov.scot>; [redacted s38]

Subject: RE: Ministerial Code - Response to Douglas Ross MSP

Thanks, [redacted s38]. Will respond if approached.

[redacted s38]

From: [redacted s38] >

Sent: Monday, June 12, 2023 2:17 PM

To: Helen Webster <Helen.Webster@gov.scot>; [redacted s38]

Subject: RE: Ministerial Code - Response to Douglas Ross MSP

adding other colleagues. Suggest this as an updated comment and can release the full text of the letter to any media who ask:

“The First Minister considered the matter carefully and concluded that it does not constitute a breach of the Scottish Ministerial Code.”

Thanks

[redacted s38]

From: Helen Webster <Helen.Webster@gov.scot>

Sent: Monday, June 12, 2023 1:45 PM

To: [redacted s38] >

Subject: FW: Ministerial Code - Response to Douglas Ross MSP

Hi both

We should now update lines accordingly?

H

From: [redacted s38] **On Behalf Of** First Minister

Sent: Monday, June 12, 2023 1:43 PM

To: Helen Webster <[redacted s38]>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot> [redacted s38] >; Colin McAllister <Colin.McAllister@gov.scot>; [redacted s38] First Minister <FirstMinister@gov.scot>

Subject: Ministerial Code - Response to Douglas Ross MSP

Helen,

To confirm I have now issued the attached letter to Douglas Ross MSP and have attached for your records.

PS/Cabinet Secretary for Education & Skills – grateful if you could share with the Cabinet Secretary for her awareness.

Many thanks,
[redacted s38]

[redacted s38]
Deputy Private Secretary
Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: Michelle Quinn <Michelle.Quinn@gov.scot>
Sent: Monday, June 12, 2023 1:27 PM
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Railworks decisions - discussion with MQ - 1 June 23 - file note.docx

Thanks for preparing this note Helen,

I've made a couple of very minor amends for accuracy, but nothing that impacts on the substance of the advice to FM. Apologies for not responding sooner.

Michelle

From: Michelle Quinn <Michelle.Quinn@gov.scot> **On Behalf Of** Director of Offshore Wind
Sent: Monday, June 12, 2023 1:18 PM
To: Helen Webster <Helen.Webster@gov.scot>; Director of Offshore Wind <DirectorOSW@gov.scot>; Bill Reeve <Bill.Reeve@transport.gov.scot>
Subject: RE: Ms Gilruth railworks - urgent please

Thanks Helen.

I'll come back on the file note shortly.

Michelle

From: Helen Webster <Helen.Webster@gov.scot>
Sent: Monday, June 12, 2023 10:03 AM

To: First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; [redacted s38] >; Colin McAllister <Colin.McAllister@gov.scot>

Subject: RE: Ministerial Code Advice - Railworks

Many thanks [redacted s38]

As discussed I'll alert Ms Gilruth ahead of the letter issuing. Please then include her PO when you send back for our records for her formal awareness.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob[redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: [redacted s38] > **On Behalf Of** First Minister

Sent: Monday, June 12, 2023 9:39 AM

To: Helen Webster <Helen.Webster@gov.scot>; First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot> [redacted s38] >; Colin McAllister <Colin.McAllister@gov.scot>

Subject: RE: Ministerial Code Advice - Railworks

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Helen,

The First Minister was grateful for this advice and commented that it is clear there has been no breach. He is content for the draft response to issue to Mr Ross this morning – I'll issue now and share a copy for your records.

Many thanks,
[redacted s38]

[redacted s38]
Deputy Private Secretary
Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: Helen Webster <Helen.Webster@gov.scot>

Sent: Thursday, June 8, 2023 5:43 PM

To: First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; [redacted s38] >; Colin McAllister <Colin.McAllister@gov.scot>

Subject: Ministerial Code Advice - Railworks

FMPO

Please find attached for the First Minister's consideration my advice on the Ministerial Code complaint raised by Douglas Ross MSP in his letter to the FM of 18 May. I also attach a draft letter for the FM to consider and issue in response.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: Helen Webster <Helen.Webster@gov.scot>

Sent: 12 June 2023 10:02

To: Director of Offshore Wind <DirectorOSW@gov.scot>; Bill Reeve <Bill.Reeve@transport.gov.scot>
Subject: Ms Gilruth railworks - urgent please
Importance: High

Bill, Michelle

Just to confirm to you both that I finalised my advice on the alleged breach of the code by Ms Gilruth and put to the FM last Friday. He has come back to confirm he is content no breach has been made and is intending to issue a response to Douglas Ross's correspondence today. I'm attaching a draft of that here for your awareness ahead of issue and to triple check for accuracy.

Could you also please review the filenotes of the conversations we had that I shared with you last week and ping back to me so I can file them?

Many thanks
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: [redacted s38] > **On Behalf Of** First Minister
Sent: Thursday, June 8, 2023 5:49 PM
To: Humza Yousaf <[redacted s38]>
Subject: FW: Ministerial Code Advice - Railworks

To note the attached advice from Cabinet Secretariat and confirm if you are content for the attached the letter to issue to Douglas Ross MSP?

[redacted s38]
Deputy Private Secretary
Office of the First Minister
5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: Helen Webster <Helen.Webster@gov.scot>
Sent: Thursday, June 8, 2023 5:43 PM
To: First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; [redacted s38] >; Colin McAllister <Colin.McAllister@gov.scot>

Subject: Ministerial Code Advice - Railworks

FMPO

Please find attached for the First Minister's consideration my advice on the Ministerial Code complaint raised by Douglas Ross MSP in his letter to the FM of 18 May. I also attach a draft letter for the FM to consider and issue in response.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: John-Paul Marks <John-Paul.Marks@gov.scot>

Sent: Thursday, June 8, 2023 4:11 PM

To: Helen Webster <Helen.Webster@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Cc: Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot> [redacted s38]

Subject: Re: Ministerial Code advice - Ms Gilruth - Railworks

Thank you Helen for this advice. I am content for you to proceed to FM as recommended. Best wishes, JP

From: Helen Webster <Helen.Webster@gov.scot>

Sent: Thursday, June 8, 2023 3:00:36 PM

To: Permanent Secretary <PermanentSecretary@gov.scot>

Cc: Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; [redacted s38]

Subject: Ministerial Code advice - Ms Gilruth - Railworks

Perm Sec, team

Please see attached my advice on this matter, as cleared by Andy. Subject to any views from JP, my intention is to put this to FM either tomorrow or Monday (I'm checking with his office as to when they might prefer it to arrive). I know JP has his

regular meeting with FM at 5pm today so thought it might be helpful for him to have seen this ahead of then. I have also offered Ms Gilruth a brief courtesy call this evening ahead of formally submitting to FM.

Many thanks, and please do let me know if you'd like to discuss.

Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: Andrew Bruce <Andrew.Bruce@gov.scot>
Sent: Wednesday, June 7, 2023 12:46 PM
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: RE: Code Advice - JG - draft for review

Helen

Many thanks for your work on this.

I agree with your advice on this. To that end, please could you add a line to the submission confirming that you have discussed and agreed the advice with me.

Andy

Andy Bruce
Director of Communications & Ministerial Support
Scottish Government

My pronouns are he / him

[redacted s38]

andrew.bruce@gov.scot

From: Helen Webster <Helen.Webster@gov.scot>
Sent: 06 June 2023 20:48
To: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Code Advice - JG - draft for review

Andy

Please find attached for your review draft advice to FM on this matter, including three annexes (two attached separately).

I've drafted in my name and happy for it to go in my name; equally if you'd prefer it went in yours it can easily be amended.

Happy to revise/discuss over tomorrow. We might then run past Colin ahead of sending to JP. We can then offer Ms Gilruth a summary of direction of advice ahead of issuing to FM. I'll loop comms in tomorrow too, subject to any views from you on this draft.

H

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: [redacted s38] **On Behalf Of** Cabinet Secretariat Inbox
Sent: Tuesday, June 6, 2023 9:51 AM
To: Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>
Subject: RE: OFFSEN - Railworks decisions - Discussion 1 June 23 - Filenote

Hi Helen

Please find attached link:

Click on the link to open 'Ministerial Code Advice - Ms Gilruth - Cabinet Secretary for Education and Skills - Discussion on Postponement of Railworks between Haymarket and Dalmeny 2022 - 1 June 2023' - <https://erdm.scotland.gov.uk/documents/A43979731/details>

Many thanks, [redacted s38]

From: Helen Webster <Helen.Webster@gov.scot>
Sent: Tuesday, June 6, 2023 9:28 AM
To: Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>
Subject: FW: OFFSEN - Railworks decisions - Discussion 1 June 23 - Filenote

Team, please can someone save this in eRDM and send me the link

Thanks

H

From: [redacted s38] > **On Behalf Of** First Minister
Sent: Monday, June 5, 2023 9:19 PM
To: Humza Yousaf <[redacted s38]>
Subject: RE: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

FM

Cabinet Secretariat aiming to get the advice to you this week. Colin has received an update on progress.

[redacted s38]

From: Helen Webster <Helen.Webster@gov.scot>
Sent: Monday, June 5, 2023 8:16 PM
To: First Minister <FirstMinister@gov.scot>
Subject: RE: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

[redacted s38]

I am aiming to get the advice to FM over this week. I should be in a position to share a draft with my Director tomorrow ahead of this going to JP. I also dropped Colin a note earlier this evening outlining progress. Happy to speak further or to discuss if there are any questions or concerns.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: [redacted s38] > **On Behalf Of** First Minister
Sent: 05 June 2023 18:34
To: Helen Webster <Helen.Webster@gov.scot>
Subject: RE: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

Helen

FM has also asked when he can expect advice to come to him on this matter.

Many thanks

[redacted s38]

From: [redacted s38] >
Sent: 05 June 2023 17:27
To: First Minister <FirstMinister@gov.scot>
Cc: Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38] >; Communications DFM & Finance <CommunicationsDFMandFinance@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot> [redacted s38] >; Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

PO First Minister

We've been approached by a freelance journalist asking for an update on the investigation taking place into an alleged breach of the ministerial code by Ms Gilruth. He asks if anything is currently being considered by FM and if there is a timeframe for completing the process.

Comms, officials and SpAds propose the response below. Grateful if you can advise if the First Minister is content.

Thanks,

[redacted s38]

Media Manager | News - Deputy First Minister, Finance and Corporate
The Scottish Government
m: [redacted s38]

A Scottish Government spokesperson said:

“In line with standard practice, upon receipt of a complaint that a member of the ministerial team has breached the Scottish Ministerial Code, advice is sought from the Civil Service. We have received Mr Ross' letter and will respond in due course.”

Media Query

Hope you're well. Could you please give me a steer as to the state of the ministerial code complaint against Jenny Gilruth? As in, is it currently being considered by the First Minister, and what is the time frame for processing it?

From: [redacted s38] > **On Behalf Of** First Minister

Sent: Monday, June 5, 2023 6:34 PM

To: Helen Webster <Helen.Webster@gov.scot>

Subject: RE: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

Helen

FM has also asked when he can expect advice to come to him on this matter.

Many thanks

Dougie

From: [redacted s38] > **On Behalf Of** First Minister
Sent: Monday, June 5, 2023 6:32 PM
To: [redacted s38] >; First Minister <FirstMinister@gov.scot>
Cc: Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38] Communications DFM & Finance <CommunicationsDFMandFinance@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot> [redacted s38] Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: RE: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

[redacted s38]

The First Minister has cleared the response.

Many thanks

[redacted s38]

Unit Head, Ministerial Private Office

The Scottish Government

St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: [redacted s38] | **Email:** [redacted s38]

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From: Humza Yousaf <[redacted s38]>
Sent: Monday, June 5, 2023 6:16 PM
To: zzzFirst Minister 2021 to 2023 <zzzfirstminister@gov.scot>
Subject: FW: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

Content when can I expect advice to come to me?

From: [redacted s38] > **On Behalf Of** First Minister
Sent: 05 June 2023 18:09
To: Humza Yousaf <[redacted s38]>
Subject: FW: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

Content?

From: [redacted s38] >
Sent: 05 June 2023 17:27
To: First Minister <FirstMinister@gov.scot>
Cc: Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38] >; Communications DFM & Finance <CommunicationsDFMandFinance@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Jack Middleton

<Jack.Middleton@gov.scot>; [redacted s38]; Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: For Clearance: Media Query - Freelance - Ms Gilruth/Ministerial Code

PO First Minister

We've been approached by a freelance journalist asking for an update on the investigation taking place into an alleged breach of the ministerial code by Ms Gilruth. He asks if anything is currently being considered by FM and if there is a timeframe for completing the process.

Comms, officials and SpAds propose the response below. Grateful if you can advise if the First Minister is content.

Thanks,

[redacted s38]

Media Manager | News - Deputy First Minister, Finance and Corporate

The Scottish Government

m: [redacted s38]

A Scottish Government spokesperson said:

"In line with standard practice, upon receipt of a complaint that a member of the ministerial team has breached the Scottish Ministerial Code, advice is sought from the Civil Service. We have received Mr Ross' letter and will respond in due course."

Media Query

Hope you're well. Could you please give me a steer as to the state of the ministerial code complaint against Jenny Gilruth? As in, is it currently being considered by the First Minister, and what is the time frame for processing it?

[duplicate removed]

[redacted s30 (b)(ii)]

[duplicate removed]

From: [redacted s38]

On Behalf Of Cabinet Secretary for Education & Skills

Sent: 05 June 2023 22:32

To: Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretary for Education & Skills

<CabSecforES@gov.scot>

Cc: Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: RE: OFFSEN - Railworks decisions - Discussion 1 June 23 - Filenote

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Thanks Helen – Cab Sec is content to clear. Grateful if you could share the eRDM link (if appropriate) with PO for our records.

[redacted s38] | Private Secretary to Cabinet Secretary for Education and Skills – Jenny Gilruth | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [redacted s38] | E: CabSecforES@gov.scot

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. Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: Helen Webster <Helen.Webster@gov.scot>

Sent: Friday, June 2, 2023 6:50 PM

To: Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>

Cc: Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: OFFSEN - Railworks decisions - Discussion 1 June 23 - Filenote

PO

Please see attached draft file note of the conversation myself and Andy had with the Cabinet Secretary yesterday morning. I'd be grateful if you could share this with the Cabinet Secretary and check that she is content with the way the conversation has been captured.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

[redacted s30(b)(ii)]

[redacted s38]
andrew.bruce@gov.scot

From: [redacted s38]
Sent: Wednesday, May 31, 2023 11:46 AM
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Chief Executive Transport Scotland <ceo@transport.gov.scot>; [redacted s38] Bill Reeve <Bill.Reeve@transport.gov.scot>; [redacted s38] [redacted s38] [redacted s38]
Subject: FW: FOR ACTION - Deadline 31 May - Alleged breach of the Scottish Ministerial Code

Hi Helen,

I can confirm Bill is content that the following information below and attached is pertinent to the below request.

Information between Transport Scotland, CEO and Minister

11 October 2022	CEO issue for approval Ministerial Brief	Transport Scotland	https://erdm.scotland.gov.uk/documents/A43884746/details
11 October 2022	CEO Acceptance Ministerial Brief	Transport Scotland	https://erdm.scotland.gov.uk/documents/A43885266/details
12 October 2022	Ministerial Paper issued	Transport Scotland / Transport Minister	https://erdm.scotland.gov.uk/documents/A42042276/details
24 October 2022	Fife Blockade announcement information to Private Office	Transport Scotland / Transport Minister	https://erdm.scotland.gov.uk/documents/A43883594/details
31 October 2022	Information and Ministerial Briefing to CEO	Transport Scotland	https://erdm.scotland.gov.uk/documents/A43884646/details
07 November 2022	Blockade information to Minister	Transport Scotland / Transport Minister	https://erdm.scotland.gov.uk/documents/A41332854/details
07 November 2022	Additional Ministerial request for more information	Transport Scotland / Transport Minister	https://erdm.scotland.gov.uk/documents/A42042396/details
14 November 2022	Instruction to cancel Festive Blockade	Transport Scotland / SRH / Network Rail **Foot is Bill e-mail dated 14/11/22	https://erdm.scotland.gov.uk/documents/A41452522/details

08 December 2022	Timetable submission to Minister	Transport Scotland / Transport Minister	https://erdm.scotland.gov.uk/documents/A42048137/details
------------------------	--	--	---

Thanks,
[redacted s38]

From: [redacted s38] **On Behalf Of** Chief Executive Transport Scotland
Sent: 26 May 2023 09:59
To: Bill Reeve <Bill.Reeve@transport.gov.scot>
Cc: [redacted s38] Chief Executive Transport Scotland <ceo@transport.gov.scot>
Subject: FOR ACTION - Deadline 31 May - Alleged breach of the Scottish Ministerial Code
Importance: High

Hi Bill,

Grateful if you can arrange for all the information requested below to be collated and sent to Alison. Noting the deadline for return to Helen is **COP Wednesday**.

Thanks
[redacted s38] Chief Executive Office



Transport Scotland, the national transport agency
Còmhdaill Alba, buidheann nàiseanta na còmhdaill

From: Helen Webster <Helen.Webster@gov.scot>
Sent: 26 May 2023 09:30
To: Chief Executive Transport Scotland <ceo@transport.gov.scot>
Cc: Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Alleged breach of the Scottish Ministerial Code
Importance: High

Alison

1. As you are perhaps aware, the First Minister has asked for advice on the alleged breach of the Scottish Ministerial Code in relation to the postponement of rail works between Haymarket and Dalmeny late in 2022.

I would be grateful for your assistance with this please, in your capacity as Chief Executive for Transport Scotland. I would be grateful if you could engage relevant officials in Transport Scotland in order to provide:

- Copies of relevant submissions, advice and any other written information that may be pertinent to the consideration and decision to postpone the rail works between Haymarket and Dalmeny

- Copies of any exchanges or advice sought and/or received by officials regarding potential conflict of interest as part of this decision making process
- Copies of the material released under the FOI as referred to in the attached correspondence from Douglas Ross MSP

I would be grateful if you could provide this information **no later than Wednesday 31 May please**. Any response ahead of then would also be very much appreciated.

I would be very happy to discuss.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: [redacted s38]

Sent: Wednesday, May 31, 2023 10:47 AM

To: Helen Webster <Helen.Webster@gov.scot>; Alison Irvine <Alison.Irvine@transport.gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; James Hynd <James.Hynd@gov.scot>

Cc: Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: RE: Alleged breach of the Scottish Ministerial Code

Helen,

Just to put in writing what I confirmed to you last week, [redacted s38] and I have done an extensive search of Cabinet Secretariat records and we do not hold any information about the postponement of rail works between Haymarket and Dalmeny.

We hold records on advice provided to Ms Gilruth on other rail-related matters, such as the Levenmouth rail link and the renaming of Glenrothes with Thornton train station, but they are not related to the case in question here.

Thanks,

[redacted s38]

Head of Cabinet Business and Governance | Cabinet Secretariat

Cabinet, Parliament and Governance Division | Communications and Ministerial Support Directorate

[redacted s38]

Please copy e-mails which concern Cabinet business to the [Cabinet Secretariat Inbox](#)

From: Helen Webster <Helen.Webster@gov.scot>
Sent: 26 May 2023 09:35
To: Alison Irvine <Alison.Irvine@transport.gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; [redacted s38] James Hynd <James.Hynd@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Alleged breach of the Scottish Ministerial Code

Alison, James, [redacted s38]

As you are aware, the First Minister has asked for advice on the alleged breach of the Scottish Ministerial Code in relation to the postponement of rail works between Haymarket and Dalmeny late in 2022.

At the time this decision was taken you were working in or had SCS oversight for Cabinet Secretariat I would therefore be grateful if you could undertake a search of your personal and Cabinet Secretariat mailbox folders and archives for copies of any exchanges or advice sought by officials or by the Minister, Cabinet Secretary or Special Advisors at the time, regarding potential conflict of interest as part of this decision making process. Likewise for any advice provided in response.

I would be grateful if you could provide this information, including nil returns, **no later than Wednesday 31 May please**. Any response ahead of then would also be very much appreciated.

I would also of course be very happy to discuss.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: Alison Irvine <Alison.Irvine@transport.gov.scot>
Sent: Friday, May 26, 2023 1:53 PM
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>; [redacted s38]
Subject: RE: Alleged breach of the Scottish Ministerial Code

Helen – was just providing the one document I have in my onedrive, but everything else will be stored appropriately in the cab sec mail box.

And yes, confirming no one spoke to me requesting advice in relation to the Fife works. Also not aware of any written requests – I have no record – and [redacted

s38] should be able to confirm on review of the cab sec mail box. The team were very good at highlighting all requests – and in particular the transport ones!

A

Alison Irvine

Interim Chief Executive
Transport Scotland
Mobile [redacted s38]

If you receive this email outside your standard working hours please do not feel obliged to respond immediately

From: Helen Webster <Helen.Webster@gov.scot>
Sent: 26 May 2023 12:53
To: Alison Irvine <Alison.Irvine@transport.gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>; [redacted s38]
Subject: RE: Alleged breach of the Scottish Ministerial Code

Thanks Alison

This reads to be part one of what I presume is a subsequent series of exchanges, including the Perm Sec's response to this note, and any subsequent note that went to Mr Matheson. Do you have copies of those exchanges?

And just to confirm for consistency that you are confirming that neither Ms Gilruth, nor anyone in her office, nor SpAds, sought your advice verbally or in writing around the specific decision to postpone the railworks?

Thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: Alison Irvine <Alison.Irvine@transport.gov.scot>
Sent: 26 May 2023 11:27
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: RE: Alleged breach of the Scottish Ministerial Code

Helen

Have attached this advice which was provided to the Perm Sec when Ms Gilruth was appointed Minister for Transport. There will be advice for Ms Gilruth in the Cabinet Secretariat files as well which I no longer have access to. From memory this will relate to the Levenmouth project and will touch on her role in relation to decisions re Fife, but [redacted s38] should be able to provide you with it. This was discussed and agreed with James at the time.

As far as I can remember, we were not asked by anyone from TS nor Ms Gilruth's office to provide advice in relation to the matter you are looking at. Again, [redacted s38] should be able to confirm.

Happy to discuss if that's helpful

A

Alison Irvine

Interim Chief Executive
Transport Scotland
Mobile 07799 047700

If you receive this email outside your standard working hours please do not feel obliged to respond immediately

From: [redacted s38] **On Behalf Of** Alison Irvine
Sent: 26 May 2023 11:13
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Chief Executive Transport Scotland <ceo@transport.gov.scot>
Subject: RE: Alleged breach of the Scottish Ministerial Code

Hi Helen,

It's a nil return for Alison.

Many thanks

[redacted s38] Chief Executive Office

From: Helen Webster <Helen.Webster@gov.scot>
Sent: 26 May 2023 09:35
To: Alison Irvine <Alison.Irvine@transport.gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; [redacted s38] James Hynd <James.Hynd@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Alleged breach of the Scottish Ministerial Code

Alison, James, [redacted s38]

2. As you are aware, the First Minister has asked for advice on the alleged breach of the Scottish Ministerial Code in relation to the postponement of rail works between Haymarket and Dalmeny late in 2022.

At the time this decision was taken you were working in or had SCS oversight for Cabinet Secretariat I would therefore be grateful if you could undertake a search of your personal and Cabinet Secretariat mailbox folders and archives for copies of any exchanges or advice sought by officials or by the Minister, Cabinet Secretary or Special Advisors at the time, regarding potential conflict of interest as part of this decision making process. Likewise for any advice provided in response.

I would be grateful if you could provide this information, including nil returns, **no later than Wednesday 31 May please**. Any response ahead of then would also be very much appreciated.

I would also of course be very happy to discuss.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: James Hynd <James.Hynd@gov.scot>
Sent: Friday, May 26, 2023 11:46 AM
To: Helen Webster <Helen.Webster@gov.scot>
Subject: Min Code

Helen

As promised.

James

From: James Hynd <James.Hynd@gov.scot>
Sent: Friday, May 26, 2023 11:46 AM

To: Helen Webster <Helen.Webster@gov.scot>; Alison Irvine <Alison.Irvine@transport.gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; [redacted s38]
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: RE: Alleged breach of the Scottish Ministerial Code

Helen

I have searched my files. I don't hold anything that appears to be in scope. I do have some emails about other rail matters concerning Ms Gilruth that I will send on just for completeness but I don't think these relate to the specific issue.

James

James Hynd LVO
Director
Scottish Government
Room 4N:03
St Andrew's House
Edinburgh
Internal ext [redacted s38]

From: Helen Webster <Helen.Webster@gov.scot>
Sent: 26 May 2023 09:35
To: Alison Irvine <Alison.Irvine@transport.gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; [redacted s38] James Hynd <James.Hynd@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Alleged breach of the Scottish Ministerial Code

Alison, James, [redacted s38]

3. As you are aware, the First Minister has asked for advice on the alleged breach of the Scottish Ministerial Code in relation to the postponement of rail works between Haymarket and Dalmeny late in 2022.

At the time this decision was taken you were working in or had SCS oversight for Cabinet Secretariat I would therefore be grateful if you could undertake a search of your personal and Cabinet Secretariat mailbox folders and archives for copies of any exchanges or advice sought by officials or by the Minister, Cabinet Secretary or Special Advisors at the time, regarding potential conflict of interest as part of this decision making process. Likewise for any advice provided in response.

I would be grateful if you could provide this information, including nil returns, **no later than Wednesday 31 May please**. Any response ahead of then would also be very much appreciated.

I would also of course be very happy to discuss.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: Alison Irvine <Alison.Irvine@transport.gov.scot>
Sent: Friday, May 26, 2023 11:27 AM
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: RE: Alleged breach of the Scottish Ministerial Code

Helen

Have attached this advice which was provided to the Perm Sec when Ms Gilruth was appointed Minister for Transport. There will be advice for Ms Gilruth in the Cabinet Secretariat files as well which I no longer have access to. From memory this will relate to the Levenmouth project and will touch on her role in relation to decisions re Fife, but [redacted s38] should be able to provide you with it. This was discussed and agreed with James at the time.

As far as I can remember, we were not asked by anyone from TS nor Ms Gilruth's office to provide advice in relation to the matter you are looking at. Again, [redacted s38] should be able to confirm.

Happy to discuss if that's helpful

A

Alison Irvine

Interim Chief Executive
Transport Scotland
Mobile [redacted s38]

If you receive this email outside your standard working hours please do not feel obliged to respond immediately

From: [redacted s38] **On Behalf Of** Alison Irvine
Sent: 26 May 2023 11:13
To: Helen Webster <Helen.Webster@gov.scot>
Cc: Chief Executive Transport Scotland <ceo@transport.gov.scot>
Subject: RE: Alleged breach of the Scottish Ministerial Code

Hi Helen,

It's a nil return for Alison.

Many thanks

[redacted s38]
Chief Executive Office

From: [redacted s38] **On Behalf Of** Cabinet Secretariat Inbox
Sent: Thursday, May 25, 2023 9:59 AM
To: [redacted s38] Helen Webster <Helen.Webster@gov.scot>; [redacted s38]
Cc: Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; [redacted s38]
Subject: RE: Ms Gilruth

Hi [redacted s38],

The latest position is set out in this note that went from Andy to Perm Sec yesterday.

The lines to take remain as cleared last weekend.

Thanks,

[redacted s38]

[redacted s38]
Head of Cabinet Business and Governance | Cabinet Secretariat
Cabinet, Parliament and Governance Division | Communications and Ministerial Support Directorate
[redacted s38]

Please copy e-mails which concern Cabinet business to the [Cabinet Secretariat Inbox](#)

From: [redacted s38]
Sent: 25 May 2023 09:53
To: Helen Webster <Helen.Webster@gov.scot>; [redacted s38]
Cc: Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; [redacted s38]
Subject: Ms Gilruth
Importance: High

Hi Helen, [redacted s38]

Julie Grant has asked for an update on the situation with Ms Gilruth ahead of the post-FMQs media briefing.

Are you in a position to update before 10:30 this morning please?

Happy to discuss on a call if easier.

Many thanks,

[redacted s38]

[redacted s38]

Media Manager | News - Deputy First Minister, Finance and Corporate
The Scottish Government
m: [redacted s38]

From: John-Paul Marks <John-Paul.Marks@gov.scot>
Sent: Wednesday, May 24, 2023 2:10 PM
To: Andrew Bruce <Andrew.Bruce@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>
Cc: DG Corporate <dgcorporate@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>
Subject: RE: Note on review of alleged breach of the Code

Ok thank you, please keep CoS up to date on the expected time frame, thanks

From: Andrew Bruce <Andrew.Bruce@gov.scot>
Sent: Wednesday, May 24, 2023 11:52 AM
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: DG Corporate <dgcorporate@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>
Subject: Note on review of alleged breach of the Code

Perm Sec

Please find attached a short note setting out the standard process for responding to the First Minister's request for advice on alleged breach of the Ministerial Code.

I would be happy to discuss this with you if that would be helpful.

Thanks

Andy

Andy Bruce
Director of Communications & Ministerial Support

Scottish Government

My pronouns are he / him

[redacted s38] andrew.bruce@gov.scot

[redacted s36]

From: [redacted s38]
Sent: 19 May 2023 16:19
To: [redacted s38]
Subject: FW: Correspondence from Douglas Ross MSP

From: [redacted s38] > **On Behalf Of** First Minister
Sent: Friday, May 19, 2023 3:28 PM
To: [redacted s38] >; First Minister <FirstMinister@gov.scot>; Cabinet Secretary for NHS Recovery, Health and Social Care <CabSecNRHSC@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>
Cc: Jack Middleton <Jack.Middleton@gov.scot>; Callum McCaig <Callum.Mccaig@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38] Communications First Minister <CommunicationsFirstMinister@gov.scot>; Communications DFM & Finance <CommunicationsDFMandFinance@gov.scot>
Subject: RE: IMMEDIATE - Lines to clear - Fife railway correspondence

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy.](#)

Hi [redacted s38],

FM is content to clear.

Thanks,

[redacted s38]

**Deputy Private Secretary to the First Minister
Office of the First Minister**

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]



Office of the First Minister of Scotland
FirstMinister.gov.scot
Prìomh Mhinistear na h-Alba

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.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [redacted s38] >

Sent: 19 May 2023 13:38

To: First Minister <FirstMinister@gov.scot>; Cabinet Secretary for NHS Recovery, Health and Social Care <CabSecNRHSC@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>

Cc: Jack Middleton <Jack.Middleton@gov.scot>; Callum McCaig <Callum.Mccaig@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]; Communications First Minister <CommunicationsFirstMinister@gov.scot>; Communications DFM & Finance <CommunicationsDFMandFinance@gov.scot>

Subject: IMMEDIATE - Lines to clear - Fife railway correspondence

Importance: High

Section 30

FMPO,

Cc Cab Sec POs for awareness.

We have been approached by the Herald and the Daily Mail looking for a response to the below news release issued by the Scottish Conservatives. It calls for all correspondence between Ms Gilruth in her former role as Minister for Transport and Mr Matheson in his former role as Transport Secretary around the line electrification work between Edinburgh Haymarket and Dalmeny to be released.

Lines in response agreed with SpAds and TS colleagues, can you confirm FM is content for these to issue?

[redacted s30(b)(ii)]

Matheson urged to release all correspondence on Fife railway controversy

Scottish Conservative and Unionist Party press office

Friday 19 May 2023

FAO: all newsdesks

Embargo: for immediate release

The Scottish Conservatives have today written to Michael Matheson requesting the release of all correspondence between him and his then junior minister Jenny Gilruth over the Fife railway controversy.

Humza Yousaf agreed on Thursday to launch an investigation into a possible breach of the ministerial code by Ms Gilruth, after Douglas Ross accused the former transport minister of stopping repair works affecting her constituency “for purely selfish, political reasons”.

Her interventions are detailed in a series of emails obtained by the Scottish Daily Mail.

One of those messages states that Jenny Gilruth would seek “feedback from Cab Sec on his views”, a reference to Michael Matheson, who was then the net zero, energy and transport secretary.

As a result, shadow transport minister Graham Simpson is calling on the current health secretary to release details of all WhatsApp messages, emails, phone calls and meetings he had with Jenny Gilruth on the issue.

He says it’s vital Michael Matheson explains what role he had in a ministerial edict that resulted in vital repair work being delayed at an estimated cost to the taxpayer of £1million. The work, which was scheduled to be carried out last Christmas, has still not taken place.

Scottish Conservative shadow transport minister Graham Simpson MSP said: “It’s clear from the email chain that Jenny Gilruth sought Michael Matheson’s views on her intervention to block the repair works affecting her constituents.

“If she couldn’t see that her actions gave rise to a likely breach of the ministerial code – due to the conflict between her role as transport minister and a constituency MSP – the Cabinet Secretary, as her boss, should have.

“As a result, Michael Matheson has questions to answer over why he didn’t overrule Jenny Gilruth and give the go-ahead for the work to go ahead as originally scheduled.

“That’s why I have written to him today, requesting that he publish all correspondence he had with Jenny Gilruth over this matter.

“The public deserve transparency from SNP ministers over this controversy – rather than a repeat of the secrecy that has characterised the ferries scandal – so that they can see why and how this poor and costly decision was taken.”

Notes

A copy of Graham Simpson’s letter to Michael Matheson is attached.

The FOI containing the email exchanges is attached.

The relevant message, dated, October 19, states: The Minister would like this to be paused until we have feedback from Cab Sec on his views. In the meantime is there any possibility these works could be spread out e.g. over a few Sundays? Ms Gilruth discussed this very briefly with ScotRail last week, but it is going to really affect Fife communities over Christmas – and anyone travelling between Edinburgh and Aberdeen - and the Minister is still not clear that there couldn’t be an alternative approach adopted by [REDACTED]. Did the mean Edin / Gla line ever close for 8 days when it was being electrified? The Minister is not content to front up comms on this either, given this is the approach [REDACTED] want to take. Ms Gilruth understands why they are doing it but it is not going to land well, particularly given the impacts of the current timetable on Fife which we have previously

discussed. The Minister does not think rushing to get this out is the right approach and am asking for a 24 hour pause to allow Ms Gilruth to get Cab Sec and [REDACTED] views.

ENDS

From: Humza Yousaf <[redacted s38] >
Sent: Friday, May 19, 2023 3:18 PM
To: zzzFirst Minister 2021 to 2023 <zzzfirstminister@gov.scot>
Subject: FW: IMMEDIATE - Lines to clear - Fife railway correspondence
Importance: High

Content

From: [redacted s38] > **On Behalf Of** First Minister
Sent: 19 May 2023 13:49
To: Humza Yousaf <[redacted s38] >
Subject: FW: IMMEDIATE - Lines to clear - Fife railway correspondence
Importance: High

Content to clear?

[redacted s38] Deputy Private Secretary to the First Minister
Office of the First Minister
5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG [redacted s38]



Office of the First Minister of Scotland
FirstMinister.gov.scot
Prìomh Mhinistear na h-Alba

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From: Helen Webster <Helen.Webster@gov.scot>
Sent: 19 May 2023 14:36
To: First Minister <FirstMinister@gov.scot>
Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Julie Grant [redacted s38] DL SPADS <DLSPADS@gov.scot>
Subject: RE: Correspondence from Douglas Ross MSP

FMPO

Please now see attached advice as requested.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob[redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From[redacted s38] > **On Behalf Of** First Minister
Sent: Friday, May 19, 2023 1:49 PM
To: Humza Yousaf <[redacted s38]>
Subject: FW: IMMEDIATE - Lines to clear - Fife railway correspondence
Importance: High

Content to clear?

[redacted s38] Deputy Private Secretary to the First Minister
Office of the First Minister
5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]



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From: [redacted s38] > **On Behalf Of** First Minister
Sent: 18 May 2023 17:13
To: Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Helen Webster <Helen.Webster@gov.scot>
Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh

<Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>

Subject: Correspondence from Douglas Ross MSP

Importance: High

Good afternoon,

Please find attached correspondence from Douglas Ross as raised at FMQs today.

I would be grateful for urgent advice on next steps for the First Minister.

Many thanks,

[redacted s38]

Deputy Private Secretary to the First Minister

Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]



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From: Ross D (Douglas), MSP <Douglas.Ross.MSP@Parliament.scot>

Sent: 18 May 2023 17:01

To: First Minister <FirstMinister@gov.scot>

Subject:

Importance: High

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland
Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

www.parliament.scot : facebook.com/scottishparliament : twitter.com/scotparl

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

From: [redacted s38] > **On Behalf Of** First Minister
Sent: Monday, May 22, 2023 9:13 AM
To: [redacted s38] >; First Minister <FirstMinister@gov.scot>
Cc:[redacted s38] >; Helen Webster <Helen.Webster@gov.scot>; [redacted s38]; Cabinet Secretariat
Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton
<Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot [redacted s38] >; DG
Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary
<PermanentSecretary@gov.scot>; [redacted s38]
Subject: RE: Correspondence from Douglas Ross MSP

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Hi [redacted s38],

FM is content to clear the line below.

Many thanks,

**[redacted s38] Deputy Private Secretary to the First Minister
Office of the First Minister**

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]



Office of the First Minister of Scotland
FirstMinister.gov.scot
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From: Lisa Mcguinness <Lisa.Mcguinness@gov.scot>
Sent: 21 May 2023 19:21:47 (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: John-Paul Marks <John-Paul.Marks@gov.scot>
Cc: [redacted s38] >
Subject: Weekend Note

Hi JP

Just a few points ahead of us catching up in the morning – we can also talk through your list from Friday and make sure all are definitely in hand 😊

Breach of Ministerial Code

I know you have spoken to Helen, [redacted s30(b)(i)]

Further media interest over the weekend re the reasons for the Chief Exec of Scotrail stepping down too, which has further contributed to the noise around this.

Speak in the morning

Lisa

Lisa McGuinness

Principal Private Secretary to the Permanent Secretary | Scottish Government | [redacted s38]

lisa.mcguinness@gov.scot

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

From: [redacted s38] >

Sent: 21 May 2023 11:21

To: First Minister <FirstMinister@gov.scot>

Cc: Julie Grant <Julie.Grant@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38] Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38] >; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot> [redacted s38] **Subject:** FW: Correspondence from Douglas Ross MSP

FMPO,

As requested, please find updated lines as requested by FM. These have been agreed with policy and SPADs. These will only be deployed after discussion with SPADs and Ministers.

A Scottish Government spokesperson said:

“The First Minister has been clear that any claim that a member of his ministerial team has breached any part of the Scottish Ministerial Code will be investigated following established process. We have received Mr Ross’ letter and will respond in due course.”

Thanks,

[redacted s38]

[redacted s38]

News | Communications Team Leader

Constitution, External Affairs and Culture Communications

The Scottish Government, St Andrew's House, Edinburgh
Mobile: [redacted s38] | Portfolio Media inquiries [redacted s38]

www.gov.scot/news



From: [redacted s38] > **On Behalf Of** First Minister

Sent: 19 May 2023 22:38

To: Helen Webster <Helen.Webster@gov.scot>; First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; [redacted s38] >; DL SPADS <DLSPADS@gov.scot>

Subject: RE: Correspondence from Douglas Ross MSP

Helen,

The First Minister agrees with the option recommended and will await feedback from Cabinet Secretariat. In the meantime he has asked for lines to be prepared and added that no Minister (including the First Minister himself) should comment any further.

Many thanks,

[redacted s38]

**Deputy Private Secretary
Office of the First Minister**

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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From: Helen Webster <Helen.Webster@gov.scot>

Sent: 19 May 2023 14:36

To: First Minister <FirstMinister@gov.scot>

Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot> [redacted s38] >; DL

SPADS <DLSPADS@gov.scot>

Subject: RE: Correspondence from Douglas Ross MSP

FMPO

Please now see attached advice as requested.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: [redacted s38] > **On Behalf Of** First Minister

Sent: 18 May 2023 17:13

To: Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Helen Webster <Helen.Webster@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>

Subject: Correspondence from Douglas Ross MSP

Importance: High

Good afternoon,

Please find attached correspondence from Douglas Ross as raised at FMQs today.

I would be grateful for urgent advice on next steps for the First Minister.

Many thanks,

[redacted s38]

Deputy Private Secretary to the First Minister

Office of the First Minister

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From: Ross D (Douglas), MSP <Douglas.Ross.MSP@Parliament.scot>
Sent: 18 May 2023 17:01
To: First Minister <FirstMinister@gov.scot>
Subject:
Importance: High

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland
Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

www.parliament.scot : facebook.com/scottishparliament : twitter.com/scotparl

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

From: [redacted s38] >
Sent: Sunday, May 21, 2023 11:21 AM
To: First Minister <FirstMinister@gov.scot>
Cc: [redacted s38] >; Helen Webster <Helen.Webster@gov.scot>; [redacted s38] Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot> [redacted s38] >; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; [redacted s38] >
Subject: FW: Correspondence from Douglas Ross MSP

FMPO,

As requested, please find updated lines as requested by FM. These have been agreed with policy and SPADs. These will only be deployed after discussion with SPADs and Ministers.

[redacted s30(b)(ii)]

Thanks,
[redacted s38]

News | Communications Team Leader

Constitution, External Affairs and Culture Communications

The Scottish Government, St Andrew's House, Edinburgh

Mobile: [redacted s38] | Portfolio Media inquiries: [redacted s38]

www.gov.scot/news



From: [redacted s38] > **On Behalf Of** First Minister

Sent: 19 May 2023 22:38

To: Helen Webster <Helen.Webster@gov.scot>; First Minister <FirstMinister@gov.scot>

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Subject: RE: Correspondence from Douglas Ross MSP

Helen,

The First Minister agrees with the option recommended and will await feedback from Cabinet Secretariat. In the meantime he has asked for lines to be prepared and added that no Minister (including the First Minister himself) should comment any further.

Many thanks,
[redacted s38]

Deputy Private Secretary Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [redacted s38]

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Cc: Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate

<dgcorporate@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>[redacted s38]; DL SPADS <DLSPADS@gov.scot>

Subject: RE: Correspondence from Douglas Ross MSP

FMPO

Please now see attached advice as requested.

Many thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

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From: [redacted s38] > **On Behalf Of** First Minister

Sent: 18 May 2023 17:13

To: Permanent Secretary <PermanentSecretary@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Helen Webster <Helen.Webster@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Cabinet Secretary for Education & Skills <CabSecforES@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Christopher Mackie <Christopher.Mackie@gov.scot>

Subject: Correspondence from Douglas Ross MSP

Importance: High

Good afternoon,

Please find attached correspondence from Douglas Ross as raised at FMQs today.

I would be grateful for urgent advice on next steps for the First Minister.

Many thanks,

[redacted s38]

Deputy Private Secretary to the First Minister
Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG [redacted s38]



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From: Ross D (Douglas), MSP <Douglas.Ross.MSP@Parliament.scot>
Sent: 18 May 2023 17:01
To: First Minister <FirstMinister@gov.scot>
Subject:
Importance: High

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland
Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

www.parliament.scot : facebook.com/scottishparliament : twitter.com/scotparl

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

From: [redacted s38]
Sent: Thursday, May 18, 2023 5:48 PM
To: Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>
Cc: [redacted s38]; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; [redacted s38]; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; [redacted s38]Helen Webster <Helen.Webster@gov.scot>; [redacted s38]
Subject: RE: MEDIA QUERY: immediate - Douglas Ross letter to FM on Ministerial Code - Daily Telegraph

FM spads - on the Douglas Ross letter, only two direct approaches: Daily Telegraph and The I Paper. Given Tory statement has issued to media, I plan to send our short line to all the journalists that requested the factual info.

[redacted s38]

From: [redacted s38]>

Sent: 18 May 2023 17:39

To: [redacted s38]>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38][redacted s38]>

Cc: [redacted s38]>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: RE: MEDIA QUERY: immediate - Douglas Ross letter to FM on Ministerial Code - Daily Telegraph

Thanks [redacted s38], can you also make spads aware of the approaches that you've had? Thanks

[redacted s38]

From: [redacted s38]>

Sent: 18 May 2023 17:34

To: [redacted s38]>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38]

Cc: [redacted s38]>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: RE: MEDIA QUERY: immediate - Douglas Ross letter to FM on Ministerial Code - Daily Telegraph

Thanks, [redacted s38]. I'll issue that line to the Telegraph and make sure SG duty comms is sighted. Simon already has the factual bullets + link to the code

Chris Green from the I has also asked for our line.

Ms Gilruth has an engagement in Dunfermline tomorrow – I will brief her comms team.

Iain

From: [redacted s38]>

Sent: 18 May 2023 17:18

To:[redacted s38]>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38][redacted s38]>

Cc: [redacted s38]>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: RE: MEDIA QUERY: immediate - Douglas Ross letter to FM on Ministerial Code - Daily Telegraph

[redacted s38], I've just been discussing with Emily – suggest we deploy the standard line which is:

The letter has been received and we will respond in due course.

And you can also share the factual points given to those who were at the media briefing.

Thanks

[redacted s38]

From: [redacted s38]

Sent: 18 May 2023 17:14

To: Helen Webster <Helen.Webster@gov.scot>; [redacted s38] Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Julie Grant <Julie.Grant@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38] Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: MEDIA QUERY: immediate - Douglas Ross letter to FM on Ministerial Code - Daily Telegraph

Helen/[redacted s38],

To see the attached email from the Daily Telegraph. The reporter has asked for an SG statement.

Scottish Conservative leader Douglas Ross made a formal request to the First Minister to launch an investigation into a possible breach of the Ministerial Code by Ms Gilruth.

What can we say in terms of what happens next, what is the formal process once a request to launch an investigation has been made?

Iain

[redacted s38]

Senior Media Manager | News – Deputy First Minister, Finance and Corporate

The Scottish Government

m: [redacted s38]

From[redacted s38]>

Sent: Thursday, May 18, 2023 5:46 PM

To: [redacted s38]>; Helen Webster <Helen.Webster@gov.scot>

Cc: [redacted s38]>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG

Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: RE: MEDIA QUERY - immediate - Ministerial code - Daily Mail

Hi [redacted s38],

I think this should be treated as an FoI request.

[redacted s38]

Head of Cabinet Business and Governance | Cabinet Secretariat
Cabinet, Parliament and Governance Division | Communications and Ministerial Support Directorate
Email: [redacted s38]

Please copy e-mails which concern Cabinet business to the [Cabinet Secretariat Inbox](#)

From: [redacted s38]>

Sent: 18 May 2023 17:42

To: [redacted s38]>; Helen Webster <Helen.Webster@gov.scot>

Cc: [redacted s38]>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]>; Andrew Bruce <Andrew.Bruce@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>

Subject: MEDIA QUERY - immediate - Ministerial code - Daily Mail

Hi [redacted s38]/Helen,

To see query just in from Daily Mail. Should this be treated as an FOI?

Iain

[redacted s38]

Senior Media Manager | News – Deputy First Minister, Finance and Corporate
The Scottish Government
m: [redacted s38]

From: [redacted s38]>

Sent: 18 May 2023 14:46

To: Jack Middleton <Jack.Middleton@gov.scot>

Subject: Ministerial code

Hi Jack,

Could I please check, in relation to the relevant section of the ministerial code below, whether Jenny Gilruth informed Michael Matheson of the decision she made? If so, is there any written record you are able to share of this?

7.5 Where Ministers have to take decisions within their area of portfolio responsibility which might have an impact on their own constituency or region, they must take particular care to avoid any possible conflict of interest. They should advise the Permanent Secretary and, in the case of junior

Scottish Ministers, the relevant Cabinet Secretary of the interest, and responsibilities should be arranged to avoid any conflict of interest.

Thanks,

[redacted s38]

[redacted s38]

Disclaimer

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From: Helen Webster <Helen.Webster@gov.scot>
Sent: Thursday, May 18, 2023 4:28 PM
To: Emily Mackintosh <Emily.Mackintosh@gov.scot>; [redacted s38]; Jack Middleton <Jack.Middleton@gov.scot>
Cc: [redacted s38]Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; [redacted s38]; [redacted s38]
Subject: RE: FOR FM SPAD CLEARANCE: IMMEDIATE - Request for short bullet-points on process around complaints alleged breach of Ministerial Code

Emily

This material isn't a straight lift from the Code, but draw heavily on content at section 1 (and particularly paras 1.4 – 1.6 [Scottish Ministerial Code: 2018 edition - gov.scot](http://www.gov.scot) (www.gov.scot))

Yes, 3 bullets, 4 was a hangover from a previous draft.

Thanks,
Helen

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

From: Emily Mackintosh <Emily.Mackintosh@gov.scot>

Sent: 18 May 2023 16:20

To: [redacted s38] Jack Middleton <Jack.Middleton@gov.scot>

Cc: [redacted s38]; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [redacted s38]; [redacted s38]

Subject: RE: FOR FM SPAD CLEARANCE: IMMEDIATE - Request for short bullet-points on process around complaints alleged breach of Ministerial Code

Hi [redacted s38],

There's only 3 bullet points below? Can I just double check that this information comes directly from the ministerial code? If so – can you add a link?

Thanks,
Emily

From: [redacted s38]>

Sent: 18 May 2023 16:19

To: Emily Mackintosh <Emily.Mackintosh@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>

Cc: [redacted s38]; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Helen Webster <Helen.Webster@gov.scot> [redacted s38]

Subject: FOR FM SPAD CLEARANCE: IMMEDIATE - Request for short bullet-points on process around complaints alleged breach of Ministerial Code

[Redacted S30]

From: [redacted s38]>

Sent: 18 May 2023 14:10

To: [redacted s38]; Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>

Cc: [redacted s38]>

Subject: IMMEDIATE - Request for short bullet-points on process around complaints alleged breach of Ministerial Code

Importance: High

Good afternoon [redacted s38] and Helen,

I hope you are well; I wasn't able to get through in advance so emailing first and [redacted s38] or I are happy to discuss.

At today's post-FMQ media briefing, several journalists were asking questions about the process around handling complaints against ministers that allege a breach of the Scottish ministerial code.

While we can and will provide a link to the code itself, we need a few brief factual bullet-points outlining a bit more on process, eg from how the process may be initiated, if all complaints will result in a review of the code, options, etc. Could Cabinet Secretariat please provide some draft bullets to that effect? Is there

anything that sits behind the Code, either published or internally, that could be drawn from?

With thanks, we would ideally get this to the journalists who have asked for it in the next couple of hours.

Best wishes,

[redacted s38]

**** Please note my contact number has recently been updated to the above*

----- [The Scottish Government - gov.scot \(www.gov.scot\)](http://www.gov.scot) -----

From: [redacted s38]>

Sent: Thursday, May 18, 2023 12:33 PM

To: Helen Webster <Helen.Webster@gov.scot>; [redacted s38]>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>

Subject: RE: Ministerial Code

From: Helen Webster <Helen.Webster@gov.scot>

Sent: 18 May 2023 12:31

To: [redacted s38]>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>

Subject: RE: Ministerial Code

Importance: High

Thanks [redacted s38] – can you send us the relevant source of the accusations? Says Daily Mail reports accusations – would be helpful to understand substance so we can respond

H

From: [redacted s38]>

Sent: 18 May 2023 12:28

To: [redacted s38]>

Cc: Permanent Secretary <PermanentSecretary@gov.scot>; Lisa Mcguinness <Lisa.Mcguinness@gov.scot>; Helen Webster <Helen.Webster@gov.scot>

Subject: Ministerial Code

[redacted s38],

Hope you are well. Would you be able to provide some quick advice for Perm Sec in advance of his meeting this FM this afternoon on the accusations that Ms Gilruth has broken the Ministerial Code. The accusation relates to a historic decision she took as Transport Minister (FMQ attached).

Looking for a few bullets on advice for FM/next steps/considerations.

Happy to discuss if easier.

Many thanks,
[redacted s38]

Head of Strategic Communications – Permanent Secretary & Executive Team
[redacted s38]



Scottish Government
Riaghaltas na h-Alba
gov.scot



From: Emily Mackintosh <Emily.Mackintosh@gov.scot>
Sent: Thursday, May 18, 2023 9:06 AM
To: Jack Matthews <Jack.Matthews@gov.scot>; First Minister <FirstMinister@gov.scot>
Cc: Communications First Minister <CommunicationsFirstMinister@gov.scot>; Jenny Scott <Jenny.Scott@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>; [redacted s38]; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [redacted s38]
Subject: RE: FOR FM AWARENESS // Running issues note - 18 May 2023

To cover all bases, below is the SpAd line which was issued to the Daily Mail.

Can we ensure that Ms McAllan gets this note too?

Thanks,
Emily

Jenny Gilruth: “The proposed decarbonisation works on this vital rail line would have caused significant disruption across the whole East coast of Scotland – including for passengers travelling across Fife, Dundee, Perth and Aberdeen.

“As I always did as Transport Minister, I carefully interrogated such proposals to assess their impact on passengers – and in this case I was not content that everything was being done to minimise inconvenience over the busy festive period. It is worth pointing out that services had already been impacted by ongoing industrial action and unplanned cancellations at that time.

“I therefore asked Network Rail to postpone the works, which they agreed to do, to give time to engage with the communities which would be impacted by the closure.

“While safety considerations are obviously paramount, I believe that the needs of passengers should be front and centre of such decisions, which in this case related to a Scottish Government funded piece of work which was not operational in nature. Indeed, the UK passenger watchdog, Transport Focus, welcomed the postponement at the time.”

From: [redacted s38]>

Sent: 18 May 2023 08:58

To: First Minister <FirstMinister@gov.scot>

Cc: Communications First Minister <CommunicationsFirstMinister@gov.scot>; Jenny Scott <Jenny.Scott@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>; Ross Ingebrigtsen <Ross.Ingebrigtsen@gov.scot>; Colin McAllister <Colin.McAllister@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot> [redacted s38]; First Minister FMQs <FirstMinisterFMQs@gov.scot>; [redacted s38]

Subject: FOR FM AWARENESS // Running issues note - 18 May 2023

FMPO,

Good morning,

Ahead of FMQs, grateful if the below running issues note with SG lines to take could be shared with the First Minister for his awareness.

Please let me know if we can be of any further assistance.

Many thanks,
[redacted s38]

Daily Mail – claims Ms Gilruth held rail works to benefit constituents (front page)

Paper says that Ms Gilruth, while Transport Minister, delayed rail works over festive period to enable her constituents to travel without delay, which it says would constitute a breach of the Ministerial code.

SpAds issued lines. Transport Scotland colleagues provided the below additional background info on decision making process to the *Daily Mail*.

Additional background on decision-making

- The previous Minister for Transport was not satisfied that Network Rail had examined all possibilities for alternatives to the planned festive closures in relation to these works and asked for more information.
- Following consideration of additional information provided by Network Rail, the previous Minister for Transport was not sufficiently satisfied full consideration had been given to the impact of the proposed closures on those passengers most affected not only in Fife but also in Perth, Dundee and Aberdeen.
- This resulted in a Ministerial decision to postpone the works.
- This investment to decarbonise Fife rail services currently remains postponed while we work with Network Rail to consider revised proposals in terms of timing and available budget.

- Once this work is complete, we will be able to give a further update on these particular works.
- The attached EIR response gives more detail about the decision-making process.

ENDS

[redacted s38]

Senior Media Manager | [First Minister](#) | Scottish Government |

media enquiries (call group): [\[redacted s38\]](#) [Media enquiries - gov.scot \(www.gov.scot\)](#)

Any amends to comms products please use [high contrast colours](#) as I'm colourblind and often miss additions in faint red.

Discussion re postponement of railworks between Haymarket and Dalmeny 2022

Thursday 1 June, via MS Teams

Present:

Ms Gilruth, Cabinet Secretary for Education and Skills [JG]

Andy Bruce, Director of Communications and Ministerial Support [AB]

Helen Webster, Head of Cabinet, Parliament and Governance [HW]

Filenote:

1. The purpose of the call was agreed in the context of the request from the FM that Cabinet Secretariat provide advice on the alleged breach of the Scottish Ministerial Code in relation to the postponement of rail works between Haymarket and Dalmeny late 2022.

2. AB noted that this was being taken forward consistent with standard practice; and confirmed that this conversation was designed to support that process alongside discussions with relevant officials and a review of the key paperwork pertaining to the decision. The intention was for AB to provide a report to the FM on or before 12 June that would set out a view on the allegations made; it would be for the FM to determine, taking account of this advice, whether he believes there is merit in the allegation and to determine how he wishes to proceed. We would also provide a draft response from FM to Douglas's Ross correspondence. HW confirmed that we would ensure the key points from that report were shared with the Cabinet Secretary ahead of time.

3. HW invited JG to offer her reflections and recollection of the decisions in question. In discussion it was noted that:

[redacted s30(b)(i)]

From: Helen Webster <Helen.Webster@gov.scot>

Sent: Friday, June 2, 2023 6:02 PM

To: Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: RE: JG filenote

Oops sorry, use this one – typos in the last

H

From: Helen Webster

Sent: 02 June 2023 17:52

To: Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: JG filenote

Hi

Here's a note of convo with JG for your review/clearance before I ping to her.

[redacted s30(b)(i)]

Will send on same for convos with Michell and Bill [redacted s38] Reeve.

H

Helen Webster (she/her) | Deputy Director for Cabinet, Parliament and Governance | Directorate for Communications and Ministerial Support | Scottish Government

E: Helen.Webster@gov.scot | Mob: [redacted s38]

Working from home and from SG offices and the Scottish parliament. Available on MS Teams, email or mobile. Please note I'm working flexibly and do not usually work on Friday afternoons. If you receive this outwith normal working hours please do not feel you need to pick this up outside of your own working pattern.

[redacted s30(b)(ii)]

From: Andrew Bruce <Andrew.Bruce@gov.scot>

Sent: Wednesday, May 24, 2023 11:52 AM

To: Permanent Secretary <PermanentSecretary@gov.scot>

Cc: DG Corporate <dgcorporate@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>

Subject: Note on review of alleged breach of the Code

Perm Sec

Please find attached a short note setting out the standard process for responding to the First Minister's request for advice on alleged breach of the Ministerial Code.

I would be happy to discuss this with you if that would be helpful.

Thanks

Andy

Andy Bruce
Director of Communications & Ministerial Support
Scottish Government

My pronouns are he / him

[redacted s38]

andrew.bruce@gov.scot

SECTION 38(b)(i)

[redacted s30(b)(i)]

ANNEX A

**ADVICE ON THE SCOTTISH MINISTERIAL CODE COMPLAINT RAISED BY
DOUGLAS ROSS MSP IN RELATION TO THE HALTING OF RAIL WORK
BETWEEN HAYMARKET AND DALMENY IN DECEMBER 2022**

**CORRESPONDENCE OF 18 MAY FROM DOUGLAS ROSS MSP TO THE FIRST
MINISTER**

(Attached Separately)

Rt Hon Humza Yousaf MSP
First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0300 244 4000



Douglas Ross MSP
By email: douglas.ross.msp@parliament.scot

[redacted s30(b)(ii)]

ADVICE ON THE SCOTTISH MINISTERIAL CODE COMPLAINT RAISED BY DOUGLAS ROSS MSP IN RELATION TO THE HALTING OF RAIL WORK BETWEEN HAYMARKET AND DALMENY IN DECEMBER 2022

TRANSCRIPT FROM THE OFFICIAL REPORT OF PARLIAMENT ON 18 MAY 2023 IN WHICH MR ROSS RAISES THIS MATTER

• **1. Douglas Ross (Highlands and Islands) (Con):**

The *Daily Mail* has today reported that Scottish National Party minister Jenny Gilruth, who is sat just behind the First Minister, might have broken the ministerial code. The former Minister for Transport, whom Humza Yousaf promoted to be Cabinet Secretary for Education and Skills, changed plans that had been agreed for 18 months, with just weeks to go. The original plans would have involved a small closure to rail services around her constituency for a few days just after Christmas last year, to allow essential upgrades to happen. Jenny Gilruth appears to have forced a change in order to give preferential treatment to her constituents, at a higher cost to taxpayers and far more disruption to passengers. Does the First Minister think it acceptable for a minister to make a political decision for her own benefit instead of acting in the interests of all of Scotland?

• **The First Minister (Humza Yousaf):**

Douglas Ross is making a very serious accusation. Of course, if there are any accusations that the ministerial code is being broken, they will be appropriately investigated so, if Douglas Ross is making such an accusation, we will appropriately investigate it. However, I do not believe that the way in which Douglas Ross has characterised the situation is at all correct.

On Sunday 21 May, ScotRail's new timetable will come into effect. That is another important step, as Scotland's railways continue to recover.

• **Douglas Ross:**

What does that have to do with the question?

• **The First Minister:**

Such timetable changes happen regularly. When Jenny Gilruth was Minister for Transport, they happened for the correct reasons, according to the investigation that I did this morning, when the story that Douglas Ross talked about came into the public's consciousness.

We have invested heavily and significantly in railway services. We are proud to have taken ScotRail back into public ownership, and every decision that we make—every decision that any transport minister under this Government has made—is for the benefit of the entire railway network, including passengers up and down the country. I do not believe that the way in which Douglas Ross has characterised the situation is what took place, but I will, of course, investigate the issue further.

• **Douglas Ross:**

Let us just clear up some of the things that the First Minister said. He said that he is going to investigate, but he also said that he investigated this morning and sees no fault in what Jenny Gilruth did.

He also questions my characterisation of what happened, so let us go through some of the pages and pages of the freedom of information emails that we have seen. A freedom of information response makes it clear that, instead of a few days of closures after Christmas, Jenny Gilruth pushed for changes that would lead to six weeks of disruption, including four full weekends. [*Interruption.*]

Jenny Gilruth is very keen to intervene, but I am just reading out what we have received—[*Interruption.*]

- **The Presiding Officer (Alison Johnstone):**

Mr Ross, give me a moment.

I am absolutely sure that I do not need to remind members of the rules regarding behaviour in the chamber. I would be grateful if we could adhere to those rules.

- **Douglas Ross:**

Jenny Gilruth seems to have a lot to say about this. It would be interesting to hear what she has told the First Minister, because ScotRail advises in these emails that the plans that Jenny Gilruth put forward would mean that 9,000 more customers every day would be disrupted. ScotRail reviewed the decision and concluded that there would be “greater costs with more customers disrupted or inconvenienced with a revised access plan”.

Jenny Gilruth’s decision to scrap those changes appears to have cost the taxpayer at least £1 million. Scottish Rail Holdings board papers, also released under FOI, state:

“The Board is asked to note that Network Rail and ScotRail chose to do the work at this time precisely to minimise the number of passengers impacted, and Transport Scotland were fully aware of and endorsed this approach”.

How can Humza Yousaf defend Jenny Gilruth when she went against the advice of Network Rail, ScotRail and Transport Scotland?

- **The First Minister:**

First and foremost—as I remember well from my time as transport minister—whenever such decisions are made it is crucial that we engage with communities. [*Interruption.*] It is so crucial that we engage with communities to understand from them what the impact of any potential closure will be. [*Interruption.*] I can hear groans from the parties at the sides of the chamber at the mention of engaging with communities, but we always engage with our communities when it comes to any potential disruption to our transport network.

The proposed decarbonisation works on the vital rail line would have caused significant disruption right across the whole east coast of Scotland, including for passengers travelling across—yes—Fife, but also to Dundee, Perth and Aberdeen. [*Interruption.*]

- **The Presiding Officer:**

Members!

- **The First Minister:**

The former transport minister has stated that she was not content that everything was being done to minimise inconvenience over a busy festive period when people were rightly travelling up and down the country to see their loved ones, particularly in the context of disruption that was taking place due to industrial action at the time. Therefore, and rightly in my view, she asked Network Rail to postpone the works—which it agreed to do—in order to give time to engage with the communities that would be impacted by the closure.

For me, whoever the transport minister is—whether it is Jenny Gilruth, as was previously the case, or the current transport minister—it is vital that the needs of passengers are always front and centre when such decisions are made. That was clearly the case when Jenny Gilruth made that decision.

- **Douglas Ross:**

This is getting worse for the First Minister. He is now saying that Jenny Gilruth was right to do this. He also said that Jenny Gilruth, as the former transport minister, thought that there were problems with the matter. Well, we come to another email from 19 October 2022, which states: “Ms Gilruth understands why they are doing it but it is not going to land well.”

She agreed with the proposal, but was worried about how it was going to land with her constituents. She should not even have been involved in the decision. She should have recused herself because of the clear potential for a conflict of interests.

Concerns were raised about the minister’s actions. One civil servant, whose name is redacted in this FOI response, said: “It might be wise to be clear why this is appropriate for Fife in particular, because other areas might expect similar”.

The political interference might even have forced a senior executive to resign. [*Interruption.*] Chris Gibb worked in the rail industry for more than 40 years. He chaired ScotRail in 2022. He resigned just a few weeks after Jenny Gilruth’s decision—after he advised against the change. In board papers that we have seen, he raised concerns about political interference and “micromanagement by Scottish Ministers, advisors and officials.”

First Minister, did Chris Gibb resign because of Jenny Gilruth’s inappropriate actions?

- **The First Minister:**

Douglas Ross is once again making really serious accusations without, I am afraid, any evidence. [*Interruption.*] He is hoping, because he is undoubtedly desperate, to throw as much mud as possible—[*Interruption.*]

- **The Presiding Officer:**

Members!

- **The First Minister:**

He will throw as much mud as possible and hope that some of it sticks. I say to Douglas Ross that conflicts of interests and the Conservative Party are definitely not a combination that he should look to raise. [*Interruption.*]

In response to Douglas Ross reading out the emails, I say that he is being selective in what he reads out. He forgets to mention that the disruption that would

undoubtedly have been caused because of the works would have affected passengers travelling across not just Fife but to Dundee, Perth, Aberdeen and other parts of the network, too. As is absolutely right, I would expect my transport minister and any member of the Government to ensure that they take account of all those who might be impacted and affected.

I say to Douglas Ross that he should look at the facts, not just throw around mud hoping that some of it will stick. Speculation, to be frank, does not help anyone in the chamber and certainly does not help passengers for whom we are committed to improving the rail network.

- **Douglas Ross:**

What did not help passengers was the former Minister for Transport's decision. She was emailed on 7 November 2022 at 17:40 and told by ScotRail that there would be greater costs and that more customers would be disrupted and inconvenienced with the revised plans. There will be at least £1 million extra in associated costs and 9,000 additional passengers every day will be affected because of the decision that she took, so the First Minister can cut out all that rubbish about standing up for passengers when it is clear that the decision that Jenny Gilruth took led to a poorer service.

It looks like there has been a clear breach of the ministerial code. Jenny Gilruth is smirking at that; well she might, because the First Minister already seems to believe that she is innocent. However, the ministerial code states that a minister "must keep separate" the role of a minister and their role as a constituency MSP.

This case looks not just like preferential treatment in the constituency but a truly awful decision that will cost taxpayers millions and lead to greater disruption. Five months on, the essential works that Jenny Gilruth delayed have still not happened. It looks like a clear-cut sackable offence. At the very least, it needs more than the First Minister looking at it over breakfast: it needs an urgent investigation now. Will the First Minister confirm to Parliament right now that he will launch an investigation into his minister today?

- **The First Minister:**

To my understanding, this is not the first time that the issue has been raised. I think that it was raised months previously, as well. Of course, I was not First Minister at the time. As I said in response to Douglas Ross's first question, I will look at the accusations that are being made.

I say to Douglas Ross that Jenny Gilruth was not and is not also the MSP for Dundee, Perth or Aberdeen. The decisions were taken because the works would affect railway passengers right across the network, particularly in the north-east of Scotland. [*Interruption.*]

- **The Presiding Officer:**

Members!

- **The First Minister:**

From the information that I have in front of me, it seems to be pretty clear that Jenny Gilruth made those decisions so that disruption would not affect more passengers right across the network. I would have expected her to do that at the time and would expect the current Minister for Transport to do it. When vital works,


particularly on decarbonisation, have to take place, we have to ask how we do them in a way that minimises disruption, particularly during the busy festive period.

I say to the Conservatives that we take the ministerial code extremely seriously, which is not something that could be said about them in any way, shape or form.

ADVICE ON THE SCOTTISH MINISTERIAL CODE COMPLAINT RAISED BY DOUGLAS ROSS MSP IN RELATION TO THE HALTING OF RAIL WORK BETWEEN HAYMARKET AND DALMENY IN DECEMBER 2022

DRAFT LETTER FOR FIRST MINISTER TO ISSUE TO DONALD CAMERON MSP IN RESPONSE TO HIS CORRESPONDENCE OF 18 MAY

(Attached separately)


The Scottish Parliament
Pàrlamaid na h-Alba

Douglas Ross MSP
Member of the Scottish Parliament for Highlands & Islands

Humza Yousaf MSP
The Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

18th May 2023

Dear First Minister,

I am writing to you today to request you formally investigate Jenny Gilruth MSP over a potential breach of the ministerial code relating to the halting of rail work between Haymarket and Dalmeny late last year. As you will know, Ms Gilruth has been accused of halting vital rail work so that her constituents would not be inconvenienced over the festive period.


Because of this, commuters may now have to suffer from weeks of disruption, rather than the eight days of works that was originally planned.

If found to be true, this would constitute a breach of the ministerial code under paragraph 7.5, which states 'Where Ministers have to take decisions within their area of portfolio responsibility which might have an impact on their own constituency or region, they must take particular care to avoid any possible conflict of interest.'




You will have noted from First Minister's Questions that there were many concerns raised about Jenny Gilruth's decision in emails we have seen that were released through FOI.

I would urge you to investigate these very serious allegations, and if found to be true, to take appropriate action against the Cabinet Secretary.

I look forward to receiving your response to this letter.

Yours sincerely,

DOUGLAS ROSS MP MSP

The Scottish Parliament, Edinburgh EH99 1SP
douglas.ross.msp@parliament.scot
0131 348 6161

 douglasross4moray  @douglas4moray  /douglas.ross.mp

Rt Hon Humza Yousaf MSP
First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0300 244 4000



SECTION 38(b)(ii)

Douglas Ross MSP
By email: douglas.ross.msp@parliament.scot

[redacted s30(b)(ii)]

FINAL VERSION COPIED FROM SIGNED PDF

Rt Hon Humza Yousaf MSP
First Minister of Scotland
St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0300 244 4000
Douglas Ross MSP
By email: douglas.ross.msp@parliament.scot

12 June 2023

Dear Douglas,

Thank you for your email of 18 May, in which you asked me to investigate whether Ms Gilruth might have breached the Scottish Ministerial Code during her time as Minister for Transport, in taking the decision to postpone planned rail works between Haymarket to Dalmeny late in 2022.

I have considered this matter carefully and I am confident that it does not constitute a breach of the Scottish Ministerial Code.

It is evident not only in Scottish Government advice on these rail works but also in Scotrail's own paperwork that whilst Ms Gilruth's constituency was affected, so were many others across Fife, central Scotland and the East coast of Scotland, with the likelihood of reduced services between Edinburgh and Dundee, Fife to Edinburgh, and up to Perth. There was also likely to be service disruption on the Aberdeen to Edinburgh route. There is no evidence to suggest that Ms Gilruth's constituency would have been impacted to a greater degree than any of the other constituencies. I am therefore satisfied that there was no impropriety and that Ms Gilruth was acting entirely legitimately in seeking advice on the network wide impact of rail works on a major piece of national infrastructure.

As Minister for Transport, it is reasonable that Ms Gilruth sought assurances from Scotrail that a full range of considerations had been taken into account when planning works that involve service upgrade, and to ensure for community engagement and discussion as part of that planning process. This was particularly true of the year in which rail services had come into public ownership. Those wider considerations included the shift in working patterns, the use of the rail network and passenger demand, with weekends and public holidays no longer necessarily being the quietest periods and this being the first festive period since 2019 when people had been able to travel without pandemic restrictions. I am therefore of the view that Ms Gilruth acted in a manner consistent with her portfolio responsibilities in determining how to minimise disruption to the public, in light of these wider factors.

For the above reasons, I am of the view that there has been no breach of the Ministerial Code.

HUMZA YOUSAF
First Minister of Scotland