

[Item 1 – minute from meeting]

Stakeholder Engagement Weekly Team meeting

Agenda

14 May 2024

1. Upcoming publications – status
 - Revised Schedule
 - Engagement Plan Approach
 - Economy Speeches- Anything for our team to consider?
2. Team chat – leave plans, updates, etc
 - Team Engagement and Planning Calendar
 - Team task tracker and Forward Look
 - Engagement Tracker and Future Engagement
 - Ministerial engagement
3. Feedback and actions from meetings
4. Corporate tasks/asks

[Item 2 – minute from meeting]

Stakeholder Engagement Weekly Team meeting

Agenda

7 May 2024

1. Upcoming publications – status
 - [Redacted]
 - Remaining Papers
 - Economy Speeches- Anything for our team to consider?
2. Team chat – leave plans, updates, etc
 - Team Engagement and Planning Calendar
 - Team task tracker and Forward Look
 - Engagement tracker
 - Stakeholder Commentary Tracker
 - Engagement Plans
 - Ministerial engagement
3. Feedback and actions from meetings
4. Corporate tasks/asks

[Item 3 – minute from meeting]

Meeting between Cabinet Secretary for Constitution, External Affairs and Culture and Constitutional Futures Division 16 May 2024

Attendees: Angus Robertson MSP; Brian Dornan, [Redacted], Dominic Munro

Discussion

Officials provided an update on the BANS economy speeches which it is anticipated the FM will deliver, noting that the next speech would be on the labour market and that advice would be sent to the FM on this and further speeches.

Actions points

- BD to send AR the draft labour market speech.

Constitutional Futures Division

May 2024

[Item 4 – email]

From: [Redacted]@gov.scot>

Sent: Friday, June 14, 2024 2:18 PM

To: Brian Dornan <Brian.Dornan@gov.scot>; [Redacted]@gov.scot>;

[Redacted]@gov.scot>

Subject: Signing off email

Hi all,

Speech 2: The Labour Market

Strathclyde Uni still open to hosting. Key contacts are [Redacted] and, on the events management side, [Redacted].

[Redacted] best to contact [Redacted] in the first instance who will then liaise with [Redacted]/colleagues.

I've attached two versions of the speech: the final version (including proposed website redactions) sent to FM's office on 25 April (day prior to planned delivery) and the version that went for final chiefs' assurance. The speech was cut quite significantly at the last minute due to ongoing events at the time. It might be that we will wish to return to a longer version if things have settled down a bit. The longer version was fully assured and [Redacted] has all the relevant emails filed away. We will of course have to update stats etc – always best to go through [Redacted] in the first instance.

[Redacted]

Filing etc

I'm now pretty confident that all the relevant emails and drafts relating to papers 1 and 3 and speeches 1 and 2 are now safely filed away in erdm – [Redacted] and [Redacted] know the precise files. I'll also send [Redacted] through some briefing materials and papers that you might want to file under '[Redacted] economy stuff' or some such. Basically papers that 1) might save someone a bit of time in the future and/or 2) of relevance to anyone working on the economics of independence.

[Redacted] / Constitutional Futures Division / Scottish Government / [Redacted]

[Attachments to above email – Redacted]

[Item 5 – extract from briefing document]

Mental health section- well-being economy "By the time this paper comes out the FM will have delivered a speech on fair work and independence so we should reference that"	Speech postponed so not added wording
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[Item 6 – extracts from briefing document]

4. To meet the manifesto commitment the Scottish Government has taken the following actions:

- (i) Published policy papers (The Building a New Scotland series) updating the 2014 prospectus. A concise update on the BaNS series is at **Annex A**, with an indicative timetable that officials discussed with Mr Robertson last week.
- (ii) Set out its intention to propose an alternative economic model to the UK for an independent Scotland, through a series of speeches. One speech has been delivered; [Redacted]

[Redacted]

12. Please note that separate advice will follow on the series of economy focussed independence speeches commissioned by the former First Minister. The first of these on Industrial Policy was delivered in January, [Redacted].

An FM speech on industrial policy in an independent Scotland was delivered in January 2024. There is a full draft of the next speech available [Redacted].

[Item 7 – extract from email]

Where we are now

To start with a brief recap: since mid-2022, 13 BANS papers have been published, with the latest, Justice, being published on 25 April (which turned out to be a very busy news day, of course). All can be found here: [Building a new Scotland - gov.scot \(www.gov.scot\)](http://www.gov.scot). Ministers have held six BANS-related debates and input on BANS to several others, and the former First Minister delivered the first in a planned series of speeches on the economy under independence in January. Several more papers have been drafted and not yet published, and there are further speeches in preparation.

[Item 8 – extracts from briefing document]

The First Minister will also be consulted on his role in the delivery of the series of independence and the economy speeches commissioned by the former First Minister, the first of which was delivered in January.

An FM speech on industrial policy in an independent Scotland was given in January 2024.

Interaction with BANS economy speech series – potential FM lead.

[Item 9 – Teams message]

Thanks [Redacted], useful to see. FYI, there's a typo here: Officials provided an updated on the BANS economy speeches

S38(1)(b) – Personal Information

An exemption under section 38(1)(b) (Personal Information) of FOISA applies to some of the information requested. This is because it is personal data of a third party, and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

S30(b)(i) – Free and frank provision of advice

An exemption under S.30(b)(i) of FOISA applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to Ministers and officials before the Scottish Government reaches a settled public view. Disclosing the content of free and frank advice on the specified economy speeches will substantially inhibit the provision of such advice in the future.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in disclosing information on these speeches as part of open government and transparency. However, this is outweighed by the public interest in protecting free and frank exchange of advice that enables Ministers and officials to conduct business and come to decisions, releasing advice provided would disrupt this process.

S30(b)(ii) - Free and frank exchange of views for the purposes of deliberation

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for Ministers and officials to have a private space within which to discuss and explore options before the Scottish Government reaches a settled public view. Disclosing the content of free and frank discussions will substantially inhibit such discussions in the future, particularly because these discussions relate to a sensitive or controversial issue.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing Ministers and officials a private space within which to explore and refine the Government's position certain issues, until the Government as a whole can adopt a position that is sound and likely to be effective. This private thinking space is essential to enable all options to be properly considered, so that good policy decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between

Ministers and officials, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

S30(C) – Prejudice to the Effective Conduct of Public Affairs

While our aim is to provide information whenever possible, in this instance an exemption under Section 30(c) (Prejudice to the Effective Conduct of Public Affairs) of FOISA applies to the information you have requested. The reason why this exemption applies is because releasing previous drafts of Scottish Government publications and discussions about drafting, which do not reflect final decisions taken, would result in inaccurate information on the Scottish Government's proposals for an independent Scotland being published, thereby undermining the Scottish Government's ability to effectively and accurately engage and communicate with the public. This in turn would be likely to impair the Government's ability to take forward its work on policy development for an independent Scotland. This would constitute substantial prejudice to the effective conduct of public affairs in terms of the exemption.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in enabling the Scottish Government to effectively and accurately engage and communicate with the public on its proposals for an independent Scotland without the risk of these proposals being prejudiced by inaccurate information, which doesn't reflect final decisions taken, being released while the Scottish Government's work was still under development on a matter of significant political relevance and controversy.