

The exemptions applied in this instance are:

Section 30(b)(ii) – free and frank exchange of views for the purpose of deliberation

Some information has been withheld under Section 30(b)(ii) of FOISA (free and frank exchange of views for the purpose of deliberation) because disclosure would, or would likely to, inhibit substantially the free and frank provision of advice for the purposes of deliberation.

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 the information as part of an open, transparent, and accountable government. However, there is a greater public interest in allowing a private space for ministers to communicate their views to inform decision making before a position is outlined in the public domain.

Section 29(1)(d) – Operation of any Ministerial Private Office

An exemption under section 29(1)(d) of FOISA (Ministerial private office) applies to some of the information requested because it relates to the operation of any Ministerial private office.

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, to ensure private offices operate efficiently and to inform public debate. However, there is a greater public interest in allowing Private Offices a private space to engage with their minister on logistics and timing.

Section 38(1)(b) – Personal data

Some information has been withheld as an exemption under section 38(1)(b) (personal data) of FOISA applies to that information, 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.

ANNEX B

Emails sent by the Cabinet Secretary for Education and Skills personal @gov.scot email address on the 03 December and 04 December 2025:

Document 001

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 22:04
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: Re: Immediate - Children (WRE&AUCD) Bill - Advice on Stage 2 Amendments - November 2025

Content

Document 002

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 17:29
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Invitation to provide evidence on subordinate legislation - 17 December

Can officials give me more detail on the SSIs for my own understanding please

Document 003

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 17:20
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Official-Sensitive: University of Dundee - Weekly update to Ministers - 4 December 2025

Noted

Document 004

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 17:20
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: For Information Only - School Closure Review Panel's review of Dundee City Council's decision to close St Pius X Roman Catholic Primary School and Nursery - Final Decision

Noted with thanks

Document 005

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 16:16
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: FOR CAB SEC AWARENESS: anti-bullying petition - Sunday Mail

Noted

Document 006

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 16:15
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: SCANCE Commission for Tuesday, 9 December 2025 - cleared contributions requested by 1pm on Monday, 8 December 2025

Content

Document 007

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 08:34
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: Re: IMMEDIATE : LABOUR PARTY BUSINESS - WEDNESDAY 3 DECEMBER : CALLS FOR GROOMING GANGS INQUIRY

Content

Document 008

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 13:18
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: FOR CAB SEC VIEW - therapets schools inquiry - Times

Content

Document 009

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 16:15
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Note for FM - Class Contact Time

Perfect note, content

Document 010

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 16:14
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Note from Cab Sec FLG to Cab Sec E&S - Engagement with COSLA on budget and reduced class contact time

Content – although I have already committed to this meeting?

Document 011

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 13:45
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Official statistics publications - 9 December

Content

Document 012

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 11:49
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Portfolio Questions

Could PO bring down to chamber pls?

Document 013

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 11:49
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Cabinet Secretary visit to Boroughmuir HS - 03.12.25

Content

Document 014

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:24
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Fortnightly Summary of School Absences - Submission

Noted

Document 015

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:24
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Debate on CSAE - Meeting with <Redacted – Section 38(1)>

Noted. I would like to join this meeting

Document 016

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:23
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Slip requests and parliamentary business

Noted. We need to use the dates below to plan my diary up to dissolution.

Document 017

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:23
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Routine Submission: Paediatric Deaths

Noted. Grateful for a read out from this meeting on 9.12.25 – and to know which senior official from DCAF will be convening.

Document 018

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:23
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: comms

Noted

Document 019

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:23
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Draft revised statutory RSHP guidance - update

Noted.

<Redacted – Section 30(b)(ii) (free and frank exchange of views)>

Document 020

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 09:23
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Submission - Child Sexual Abuse and Exploitation - Scrutiny, Assurance and Improvement Proposal

Noting this, although things have since developed this week.

<Redacted – Section 30(b)(ii) (free and frank exchange of views)>

<Redacted – Section 30(b)(ii) (free and frank exchange of views)>

Document 021

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:53
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Due 04/12: MiCase: <Redacted – Section 38(1)> - <Redacted – Section 38(1)> - Home Education

Content to decline

Document 022

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:52
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Routine submission - Funded ELC for Eligible Two-Year-Olds -

Eligibility Criteria - Maximum Income Level - Annual Uprating Regulations - response by close 02 December if possible

Did NDI approve this?

Document 023

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:51
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: URGENT - Submission - Cabinet Secretary for Education and Skills - Roundtable to Promote the Teaching Profession - For Approval/Comment by COP 21 November

We will have to postpone – but I need us to agree a date in early Jan which cannot be moved i.e. not on an Opposition debate day. This has been postponed now 3 times since September.

Document 024

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:49
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Publication School Transport Guidance

Content

Document 025

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:48
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Introductory meeting for FM and <Redacted – Section 38(1)>

<Redacted – Section 30(b)(ii) (free and frank exchange of views)>

No, I would like to meet Esther – but conscious we don't have a time for statement yet?

Document 026

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:46
To: Kate Higgins <Redacted@gov.scot>
Subject: RE: Note of meeting with Dundee MSPs

With Tus or BM??

Document 027

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 04 December 2025 06:45
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: General Running Order for Thursday 11th December

Qu 1 for BM

Document 028

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 18:18
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Draft minutes: meeting with Dundee trade unions 27 November 2025

Content

Document 029

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 18:09
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: SDS Correspondence with Colin Beattie MSP

Content as per below

Document 030

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 18:08
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Minutes of comms meeting: 20 November

Content

<Redacted – Section 30(b)(ii) (free and frank exchange of views)>

- <Redacted – Section 30(b)(ii) (free and frank exchange of views)>

Document 031

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 18:03
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Letter to SFC and SDS updating on defence policy and apprenticeships - Urgent

Noted

Document 032

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 17:56
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Due 01/12: MiCase: <Redacted – Section 38(1)> - <Redacted – Section 38(1)> - FAB Follow Up in Scotland

Content to decline

Document 033

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 17:55
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Private office: Urgent Request for Assessment/ Briefing - Scottish Greens 2026/27 Budget Priorities

Noted

Document 034

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 17:55
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Official sensitive – Pre-release statistics - School attendance, absence and exclusions statistics 2024-25 - Ministerial access

Noted

Document 035

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 17:55
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: Official sensitive – Pre-release statistics - Pupil and teacher characteristics 2025 - Ministerial access

Noted

Document 036

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 17:54
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: OFFICIAL SENSITIVE - ACHIEVEMENT OF CFE LEVELS 2024-25 STATISTICS - PRE-RELEASE UNTIL 9:30 ON 9 DECEMBER 2025

I have a number of these publications to note – can PO follow up though with the note to FM? I'd also like draft statement up by COB Friday to consider over the weekend please.

Thanks,

J

Document 037

From: Jenny Gilruth <Redacted@gov.scot>
Sent: 03 December 2025 17:53
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Subject: RE: For Information Only - School Closure Review Panel's review of Dundee City Council's decision to close St Pius X Roman Catholic Primary School and Nursery - Final Decision

Noted.

<Redacted – Section 30(b)(ii) (free and frank exchange of views)>

Document 038

From: Jenny Gilruth <Redacted@gov.scot>

Sent: 03 December 2025 17:52

To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>

Subject: RE: FM meeting commission - <Redacted – Section 38(1)> & Dec 15:00

Noted.

Can you ask FMPO if FM would like me to join this meeting? <Redacted – Section 30(b)(ii) (free and frank exchange of views)>

Thanks,

J

Document 039

From: Jenny Gilruth <Redacted@gov.scot>

Sent: 03 December 2025 15:15

To: Kate Higgins <Kate.Higgins@gov.scot>

Subject: RE: IMMEDIATE : LABOUR PARTY BUSINESS - WEDNESDAY 3
DECEMBER : CALLS FOR GROOMING GANGS INQUIRY

Thanks

Document 040

From: Jenny Gilruth <Redacted@gov.scot>

Sent: 03 December 2025 13:54

To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>

Subject: RE: Invitation to MSPs

Have added a bit at the end (think my name needs to go at end too!)