



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Committee on the Scottish Government Handling of Harassment Complaints**

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19 May 2020

Dear Ms Evans

Thank you for your letter of 13 May setting out an interim response from the Scottish Government. I am writing to you today to further update you on the work of the Committee on Scottish Government Handling of Harassment Complaints, and to set and request some timescales for information.

I can confirm that the Committee has agreed to meet next month, with a view to start hearing evidence when appropriate. The purpose of the meeting in June will be for the Committee to finalise its approach, consider potential witnesses, and to receive an update on timescales for the transfer of information from the Scottish Government, which I will return to later in this letter. We plan thereafter to review the information received from the Scottish Government. For clarity, the information we are seeking includes, but is not limited to, emails, minutes, notes, texts, papers and WhatsApp messages.

There is therefore a degree of urgency to receiving the information that the Scottish Government holds in relation to the inquiry. These appear to fall under five headings:

### Policy development

In terms of the policy development, the questions that we wish to explore have already been set out in my 30 April letter to you. As well as a written statement, the Committee expects to receive the relevant electronic records which relate to these areas of inquiry, and I understand officials are working to establish the most appropriate way for the transfer to take place.

I welcome your confirmation that we will receive a substantive response as soon as possible in the current circumstances. I would be grateful if the information to accompany this could be made available before the summer recess.

#### Investigation of complaints

Moving on from this, the Committee is also looking for information in relation to the investigation of the complaints themselves. In particular, we would like to establish if the steps set out in the published harassment policy were followed.

In which case, the Committee is seeking information on what the process was in conducting the investigation; who conducted it; who took final decisions on the outcome of the investigation and when contact was made with Alex Salmond; and whether the findings were going to be published.

#### Judicial review

The Committee is also requesting any information which could be provided in relation to the judicial review to assist it in its inquiry; in particular, the roles and responsibilities in relation to the Scottish Government's conduct of litigation generally and in this case in particular. Also, the Committee wishes to explore the extent to which the Scottish Government kept emerging details and prospects of success under review. It also wishes to explore how the decision to settle was taken, including the timing of the decision and what factors contributed to the cost of settlement.

In the case of the information requested as part of the investigation of the complaints and the judicial review elements of our inquiry, it would be helpful if the Scottish Government could follow the process we have established with gathering information on the policy development; in other words, providing a written statement responding to these points along with the information and records that are relevant to the respective parts of the inquiry. It would be helpful if these could be prepared concurrently.

#### Ministerial Code

The Committee also requested an update on the progress of the First Minister's referral under the Ministerial Code. I believe that this investigation led by James Hamilton was on hold during the criminal proceedings. Now that the criminal proceedings have concluded, can you advise on the progress of the inquiry and when that inquiry is likely to conclude and report?

#### Internal investigation

Finally, we understand that it is possible that the Scottish Government was conducting an internal investigation in relation to the handling of the complaints. Could you confirm if that investigation is going ahead, and if so, whether a report of its findings will be published?

#### Timescales for information

The Committee acknowledges, as you set out in your letter, that the Scottish Government will be focused on the response to Covid-19. However, there is a general view across the Committee that there should be resources available to respond to these requests given that the inquiry has been in hand for over a year now and therefore these requests should not be unexpected.

We would therefore anticipate receiving the information requested on 30 April in relation to policy development, as well as a written statement on the judicial review, by the end of June, to enable the Committee to begin to fulfil its remit and commence its inquiry.

We would also request that you provide the Committee with an expected timescale for the other pieces of information requested in this letter. I would be grateful if you could respond to this point separately in advance of the substantive request for information. The Committee plans to meet again informally at the beginning of June to consider updates on the gathering of information amongst other things, and so a response to these points would be appreciated by the end of May if at all possible.

Finally, as set out in my 30 April letter, I would be grateful if you could explain the approach you are likely to take to issues relating to data protection, confidentiality and court or other legal restrictions so that we can ensure we are taking all relevant factors into account in developing our approach to these matters.

We look forward to your reply.

Yours sincerely

**Linda Fabiani MSP**

**Convener, Committee on the Scottish Government Handling of Harassment Complaints**