



The Scottish Parliament
Pàrlamaid na h-Alba

Committee on the Scottish Government Handling of Harassment Complaints

David McKie
Levy and McRae
Pacific House
70 Wellington Street
Glasgow
G2 6UA

c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

BY EMAIL

SGHHC@parliament.scot

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Dear Mc McKie,

Former First Minister's submission

Thank you for your letters of 21, 22 and 26 October and for forwarding your client's productions to the Judicial Review. These have now been published on the Committee's website.

While the Committee acknowledges your client has provided these productions, we are still awaiting a written submission from your client as originally requested in July.

The Committee has set numerous deadlines for the submission of the account of the Former First Minister which needs to cover the complaints handling process, the judicial review and the communications that make up the Ministerial Code phase of the inquiry.

Levy and McRae has highlighted in response the workload and associated cost involved in the processing of documents it holds to comply with the Committee's statement on evidence handling. On that basis as you will see below the Committee has instructed Parliament officials to process additional documents on behalf of your client in preparing them for publication.

Levy and McRae has highlighted the need to receive permissions from the Court of Session to release certain documents and the Committee has already written to the Court of Session and established what can be released.

Levy and McRae has set out that documents relevant to the inquiry held by the Scottish Government which were not reduced by the Court of Session should be

provided to the Committee. The Committee agrees and has sought these documents directly from the Government.

Levy and McRae has suggested any account provided by the Former First Minister is limited by his inability to share or refer to evidence from the criminal trial including the preliminary hearings. The Committee has now sought from the Lord Advocate the release of evidence relevant to the Committee's remit from the criminal trial.

The Committee acknowledges therefore the restrictions placed on the Former First Minister in relation to the provision of documents but repeats what it has said previously on numerous occasions that it is imperative that Mr Salmond provides his account by way of a written submission. The Committee has also repeatedly said that your client should make a submission to the extent to which he is able at this point and can provide supplementary evidence and documentation at a later date if need be. Despite the legal constraints, the Committee continues to believe that there is evidence that Mr Salmond can share at this stage. Indeed, when the Committee has written to you seeking insight on particular matters, such as about individuals due to attend the Commission and Diligence Mr Salmond has provided this information. In addition, partial evidence has also been provided through the numerous letters which you have sent the Committee, so there clearly is information that Mr Salmond can readily share at this stage.

The Committee also publishes your unprompted letters in the interests of openness and transparency but is becoming frustrated that Mr Salmond considers that he can make points of his own selection to the Committee, when he wishes, whilst not providing information that the Committee prioritises the most to progress its scrutiny.

As mentioned above, if restrictions are lifted on other documents later in this process, Mr Salmond may submit supplementary evidence. However, I repeat, again, the Committee's request for a substantive written submission from Mr Salmond at this point.

Judicial review documents

In your letter of 21 October, you ask the Committee to confirm how it would like to progress the release of further productions that you hold.

We note you have provided all documents listed in the first and second inventories bar the correspondence from the Permanent Secretary and we assume that the productions listed in the third inventory are ones that also belong to the Scottish Government. We assume that these are the documents referred to in your letter of 22 October where you state:

'There are additional documents which were lodged by Mr Salmond which are documents belonging to the Scottish Government. It is appropriate that the Scottish Government provides those to the Committee and we trust that they will now do so'.

We note from your letter of 22 October you have sought the Inventory of Recoveries produced at the Commission from the Scottish Government.

Once you have received this, we would ask that you send this to us together with an explanation (where one is not provided) of the individual documents, as well as any other inventories for any additional bundles of productions, not already provided to the Committee. This will enable us to assess which evidence we want to request from you, taking into account the Committee's remit, statement on handling of information and evidence and specific areas of interest.

The Committee also notes you are seeking the agreement of the Scottish Government to send to the Committee the transcript of the Commission and Diligence procedure. I can confirm the Committee does wish this to be released to the Parliament provided all necessary permissions have been sought and obtained.

Yours sincerely

Linda Fabiani MSP
Convener, Committee on the Scottish Government Handling of Harassment
Complaints