

OFFICIAL

Date: 20th January 2021

Your Ref: 290.1220

Our Ref: 51.20

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

SGHHC@parliament.scot



**POLICE
SCOTLAND**

Keeping people safe

POILEAS ALBA

**Fiona Taylor
Deputy Chief Constable
People and Professionalism**

Tulliallan Castle
Kincardine
Fife
FK10 4BE

Dear Ms Fabiani

Committee on the Scottish Government Handling of Harassment Complaints

The Chief Constable has asked me to respond on his behalf to your correspondence of 23rd December 2020, in which, as Convener of the Scottish Parliament's Committee on Scottish Government (SG) Handling of Harassment Complaints, you sought details of the involvement of Police Scotland in the development of SG's procedure for the handling of harassment complaints involving current or former ministers.

The request for information was twofold, covering contact between Police Scotland and SG and the formal referral to Police Scotland of complaints made against the former First Minister. I shall respond to each of your points in turn.

1. A timeline detailing the initial contact from the Scottish Government and dates of subsequent contact between Police Scotland and the Scottish Government on the development of the procedure.

Police Scotland was contacted in the first instance on 5th December 2017. This contact was via email. Following this, there was a single physical meeting on 6th December 2017 and thereafter, email and telephone contact on 30th January 2018; 31st January 2018; 18th April 2018; 19th April 2018; 1st August 2018; 2nd August 2018 and 3rd August 2018.

2. How this contact was made, by, and to whom (the title of the individual would be sufficient).

The contact was initiated on 5th December by the Deputy Director within the People Directorate at SG, who contacted the Detective Chief Superintendent (DCS), Head of Public Protection at Police Scotland. An email response was sent the same date and a physical meeting was arranged, which took place the following day on 6th December 2017, attended by the Deputy Director, the DCS, the Chief Superintendent (CS), Local Policing Commander for Edinburgh Division and the Detective Superintendent (DSU) for Edinburgh Division. In addition to the email contact, made by the Deputy Director to the DCS and latterly to the DSU on the dates above, a number of telephone conversations took place between the Deputy Director and the DSU over the course of early 2018.

3. What advice or input was asked of Police Scotland by the Scottish Government in relation to the development of the procedure.

The initial email contact indicated that advice was sought on the SG approach to sexual harassment procedures following the #metoo movement, and, SG obligations in response to allegations made by staff or former staff which may constitute a criminal offence. At the meeting on 6th December 2017, the Deputy Director was provided with information in respect of an existing reporting mechanism within the Scottish Parliament. This reporting mechanism had been established in response to UK wide media reporting of alleged inappropriate conduct involving members of the UK Parliament. A 'hotline' number was launched by the Scottish Parliament on Monday 6th November 2017 which directed callers to support agencies and, where appropriate, the police. The 'hotline' did not report matters directly to the police but would instead direct callers to contact '101' or '999' in an emergency.

Furthermore, the Deputy Director was provided with advice that any potential victim or complainer should be provided with details of support and advocacy services. This would allow concerns to be discussed with an experienced advocacy worker with knowledge of the criminal justice process and support the individual to report matters to the police. Advice was also provided highlighting ongoing work by the SG Equally Safe Policy Lead.

4. What communication, both formal and informal, by any means, took place regarding this issue.

The dates of email correspondence are outlined in the response to point 1. There was a physical face to face meeting on 6th December 2017, and thereafter all contact was by email or telephone.

5. Details of the advice or input provided by Police Scotland to the Scottish Government on the development of the procedure.

Police Scotland provided advice at the meeting on 6th December 2017, advising that where criminality was suspected, individuals should be directed to support and advocacy services, to enable them to make informed decisions about whether or not to report matters to the police.

OFFICIAL

This advice was reiterated on several occasions throughout the ongoing contact between December 2017 and August 2018. A number of hypothetical questions were posed during email and telephone contact around the criminal justice process.

Police Scotland advised that, without specific details, no appropriate response could be given and no assessment of risk could be made. It was further emphasised that individuals should be directed to the relevant support services as it appeared that the hypothetical questions were predicated upon a specific set of circumstances and the SG response to that set of circumstances, rather than development of a generic procedure.

The hypothetical questions suggested more than one victim of potential criminality and as such, it was stressed that, without knowledge of the detail, any risk that a suspect might present, could not be properly assessed or mitigated. It was highlighted that SG staff were not trained to undertake such investigations, or to engage with victims.

No details of potential victims or perpetrators were provided by SG and, throughout the contact, Police Scotland encouraged SG to refer victims to appropriate support services.

Police Scotland was not invited to provide comment in relation to a draft 'procedure' or framework for the handling of harassment complaints, nor was any draft or final document shared with Police Scotland.

In relation to the second aspect of your request for information relating to the details of the formal referral of complaints made against the Former First Minister, by SG to Police Scotland:

*When the complaints were first referred to Police Scotland by the Scottish Government.
Who from the Scottish Government made the referral, how, and to whom.
Any other information Police Scotland consider relevant to our inquiry.*

I can confirm that on Tuesday 21st August 2018, the complaints were referred to Police Scotland by the Crown Agent. This took place during a meeting at the Crown Office, Edinburgh, involving the Crown Agent, the Chief Constable and the DCS, Head of Public Protection.

SG did not refer matters directly to Police Scotland.

I trust that this response provides you with the clarity and information you require.

Yours sincerely

Fiona Taylor
Deputy Chief Constable