

Permanent Secretary meeting with Complainers
Briefing and preparation

W/C 5 March 2018

1. Introductions
 - a. [Ms A]
 - b. [Ms B]
2. **Thank** [Ms A] and [Ms B] for coming forward. Explain that you felt it was important to meet/speak directly to them at this stage, so that they understand you realise the seriousness of the complaints they have made and the personal risks to them in coming forward.
3. **Clarify** that the role of the Perm Sec, as the employer, and in acknowledgement of her duty of care, is challenging the alleged behaviours on behalf of both complainers. These allegations took place in the course of their duties.
4. **Confirm** that they are content with the way that the investigation has been conducted so far and that they are content with the way the position has been captured in the list of 'causes for concern'.
5. **Acknowledge** how important it is to address the allegations raised and also to consider what organisational learning should be taken forward. Say that you will be **commissioning** work to confirm that the culture in key areas of the organisation such as [Redacted] is now different and to identify any actions required.
6. **Reinforce** the level of **confidentiality** around this case - very tightly controlled within SG for the moment, which we will do our best to protect, whilst recognising that it will not be entirely in our hands.
7. **Explain that the core purpose of the meeting/discussion is as follows:**
 - a. To confirm that SG are **following** the new process: complaints of harassment against ministers and former ministers;
 - b. Perm Sec has read the report in full and considered carefully the contents;
 - c. Perm Sec acknowledges the experiences of both complainers and appreciates their decisions to come forward and make a formal complaint;
 - d. Perm Sec explains that her role at this stage is to consider whether the report raises "causes for concern" for her;
 - e. To share with the complainers her decision, regarding the findings of the investigation

8. [Redacted]

9. Clarify what this decision means:

- a. The Perm Sec will write to the FFM to notify him of the fact that complaints have been made, investigated and to invite him to respond or provide comment – this letter will be sent this week with a 2 week turnaround to respond.
- b. The FFM may or may not engage with the process.
- c. The FFM has been instructed that he can share the ‘causes for concern’ information (that the complainers have seen) with his legal advisors, but no wider, as they contain personal information.
- d. The next steps are dependent on how the FFM responds:
 - i. If the FFM declines to engage, that decision will be noted
 - ii. If the FFM agrees to engage with the process, there could be further investigative interviews and witnesses
- e. The outcome of either of these options would be used to prepare a final report and the Perm Sec then has a further decision to make, whether the complaints are “well founded”.
- f. Perm Sec will meet/speak with [Ms A] and [Ms B] at this stage to inform them of her decision and next steps.

10. In the meantime:

- a. A range of support is in place for [Ms A] and [Ms B] – direct to Judith to arrange if there is anything they need (they have been notified of the options available)
- b. SG preparing communications in the event becomes public
- c. SG’s position will be not to comment - that it is our duty to act on staff complaints fairly and without prejudice in line with our processes and that we will not be commenting on the existence or otherwise of any cases.
- d. Realistic about the media becoming involved and there is guidance and support available for them which we will share.
- e. First point of contact for [Ms A] and [Ms B] if the FFM or his lawyers gets in touch with them directly is Nicky or Judith; if it is a press contact then Barbara.
- f. We will keep them up to date with progress – response or lack of or contact by external sources/3rd parties.

11. Reiterate thanks and offers of support if required