

Additional Written Submission from Peter Murrell, Chief Executive, SNP

Dear Linda

Thank you for your letter of 9 September 2020.

In responding, I note the Committee's statement of 29 September and the assertion that I and/or the SNP have not been forthcoming in providing the evidence that you asked for.

It is therefore important to immediately put on record that the SNP takes its responsibilities seriously and has the utmost respect for the Scottish Parliament - as I do.

I believe that my response of 4 August sought to answer fully the questions that had been asked of me, and I did so within the timeframe asked of me.

For clarity, I do not accept that I or the SNP have acted in any way other than to cooperate with the Committee to the fullest extent possible.

In particular, the Committee's letter of 9 September, supplemented by emails received from the clerking team on 22 and 23 September, made additional requests to those previously asked. By definition, my written submission on 4 August did not cover these requests because they had not, at that point, been asked.

I would also note that your letter of 9 September asked for a response "as soon as is practicable" but set no deadline. I had committed to the clerking team to reply within four weeks and by no later than 7 October.

I am therefore not clear of the factual basis for the Committee's claim that I or the SNP has either failed to provide material sought or missed any deadline set.

In turning to the requests for additional material, in the letter of 9 September it is asserted in relation to my previous response that "the Committee's intention was that you would canvass colleagues for relevant information and records as well as submitting any evidence you were aware of as an individual". The letter then goes on to ask whether I did, or did not, do so.

I would draw the Committee's attention to Annexe A of the letter sent to me on 7 July. It explicitly asks that those asked to provide evidence do not discuss that evidence with others asked to give personal evidence.

Despite this contradiction, I have sought to provide clarity in my response on this point below.

More broadly, the SNP's legal advisers have engaged with the clerking team to seek to clarify other aspects of the Committee's requests. While we have not received that clarification, given the Committee has now indicated that a response is required by today, I will endeavour to answer as fully as I can, interpreting these requests in as reasonable a way as possible.

Before doing so, there are three points, which may help the Committee in its deliberations.

Firstly, as the SNP's legal advisors have already advised the clerking team, there are legal and practical challenges in providing a 'corporate response' for the SNP in relation to your requests for information, given that the SNP is an unincorporated association. That means I cannot give a response on behalf of, or reasonably vouch for, every member of the SNP including Ministers and Special Advisers.

However, I can convey assurances provided to me by staff members who report to me and confirm to the Committee that all reasonable searches on the [SNP.org](https://www.snp.org) platform and electronic servers across the period defined have been completed - and no relevant information has been found.

I obviously do not have access to the personal communications of staff members or any other members of the SNP.

Secondly, the Committee remit is:

"To consider and report on the actions of the First Minister, Scottish Government officials and special advisers in dealing with complaints about Alex Salmond, former First Minister, considered under the Scottish Government's "Handling of harassment complaints involving current or former ministers" procedure and actions in relation to the Scottish Ministerial Code."

And Annexe A of your letter to me of 7 July states that "all evidence submitted should fall within the terms of the remit of the Committee's Inquiry".

Neither I nor my staff were involved in development of the Scottish Government Procedure or the handling of the complaints made under it. If the Committee has evidence that suggests otherwise, I would be grateful if it could be put to me in order that I can respond - however, I cannot provide material which, because we had no involvement, does not exist.

Further any unrelated and separate concerns that may have been raised, about any individual, under SNP procedures are not within the scope of the Committee remit and are subject to our own duties of confidentiality and data privacy.

Lastly, while I can – and am willing to – answer for myself, you will appreciate that it is not possible for me either to be aware of or comment on opinions or conversations anyone else may have expressed or had about the criminal charges against Alex Salmond or indeed about him generally. It is also my understanding that the Committee is not considering issues covered by the Police investigation and criminal trial.

Let me now turn to the specific questions posed in your letter of 9 September:

Query 1

“If you did not confer with colleagues during the drafting of your submission I would ask that you now do so and submit further written evidence to the Committee, providing details of any and all communications requested in my original letter that may be relevant.”

Response 1

I have now conferred with all 23 members of staff who report to me. All have confirmed that they do not hold any information or communication in any format relevant to the Committee’s remit.

Query 2

“whether there have been instances where SNP channels of communication are used by SNP members when acting in a ministerial capacity.”

Response 2

The only Minister or Special Adviser who has an [SNP.org](https://www.snp.org) email account is Nicola Sturgeon.

As stated in my response of 4 August, I am not aware of any instances of this account being used for Scottish Government business. I note that you have since drawn my attention to an FOI on this subject and to media reporting. However, with respect, questions about use of this email account can only be addressed by Nicola Sturgeon, and indeed I note that you have asked for evidence from her on this point. In addition, as I indicated in my earlier response, I am not a member of the Scottish Government and cannot be expected to know what is government business and what is not.

Query 3

In relation to “copies of any communications in relation to the complaints made under the Scottish Government Procedure on handling of harassment complaints involving current or former ministers between the SNP and a. the former First Minister, Alex Salmond; b. the First Minister, in her capacity as First Minister; c. the First Minister’s Chief of Staff; and d. any other relevant individuals” you ask that I confer with colleagues and “submit further written evidence to the Committee, providing details of any and all communications requested in my original letter that may be relevant.”

Response 3

In light of your requirement not to confer with others who have been asked to provide evidence to the Committee, in making my previous response, I did not confer with anyone listed in your letter of 9 September.

Given your requirement is specific to those from whom you have sought evidence, this remains the case in relation to both Nicola Sturgeon and Elizabeth Lloyd. I note, however, that you have sought evidence from both Nicola Sturgeon and Elizabeth Lloyd separately.

I can confirm that I have now conferred with the SNP Compliance Manager and the SNP Chief Operating Officer, and that all appropriate record and data searches, including email searches, have been carried out. I can further confirm that no information relevant to the complaints made under the Scottish Government

Procedure on handling of harassment complaints involving current or former ministers was found. I would draw the Committee's attention to the fact that this is unsurprising given the SNP had no involvement in the process, it being entirely a matter for the Scottish Government.

Query 4

You will be aware of the additional request from the clerking team on 22 and 23 September that my response "could usefully cover when the Chief Executive or others within the SNP first became aware of concerns that could then have become the basis for the complaints under the Government procedure."

Response 4

To the best of my knowledge - prior to the Scottish Government complaints becoming public in August 2018 - neither I nor any SNP staff were aware of concerns that could then have become the basis for the complaints under the Scottish Government Procedure. However, it is important to point out that the identity of the complainants and the detail of the complaints have been kept confidential by the Scottish Government.

I am, of course, aware of the information about the complaints reported in the media but I have no knowledge of the accuracy of the media reports.

I know the Committee has already heard evidence about a media inquiry from Sky News in November 2017 - this was an inquiry made to the SNP on 4 November 2017 and so I was aware of it at the time. But I do not know whether any of the specifics of that issue relate in any way to the complaints raised with the Scottish Government under its procedure - though I have no reason to believe that they do - and include it here solely for completeness.

Finally, I am aware that the committee has received copies of messages described as 'What's App' messages in the media. I can confirm that these are not WhatsApp messages but are text messages between myself and another individual.

The Committee should be aware, however, of the following points:

- There is an ongoing police investigation into the circumstances in which this information was obtained.
- The content of the messages do not relate to the remit of the Committee inquiry, namely the handling by the Scottish Government of the complaints under its Procedure.
- The messages have been presented in a way that suggests a meaning that they do not in reality have.

Acknowledging this context and the legal constraints that apply, and notwithstanding the fact that the messages do not relate to the Committee's remit, I hope it will be helpful to the Committee to provide an explanation of them.

The messages were sent the day after Mr Salmond had been charged with a number of serious offences.

In the aftermath of this, the SNP was contacted by individuals who had specific, personal questions in relation to that criminal case. My intention was to advise that their questions should be addressed to the Police and not the SNP. I acknowledge that I did not express myself well but I suggest that in the context of such a criminal case, directing people to the Police was the only responsible thing to advise.

In relation to the second message, this has been presented as following on immediately from the first. That is inaccurate. However, my intended meaning was that any and all complaints should be appropriately investigated. The tone of it is a reflection of the shock, hurt and upset that I, and so many others in the SNP, felt that day given the events that had unfolded in court the previous day. As most people will appreciate, the immediacy of text messages lend themselves to informal, shorthand forms of expression but, even so, I would wish on reflection to have expressed myself more appropriately.

I hope the above is helpful to the Committee.

Yours sincerely

PETER MURRELL
Chief Executive
2 October 2020

[Clerk's note: The Committee has also received a letter from Shepherd and Wedderburn. The Committee is seeking agreement to publish this letter.]