

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

## **Approach to inquiry**

**Last updated 1 July 2020**

### **Committee remit**

1. The inquiry 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<sup>1</sup> and procedure and actions in relation to the Scottish Ministerial Code.”<sup>2</sup>

### **General approach to its inquiry**

2. The Committee has agreed the following overall objectives in conducting its inquiry and what it wishes to achieve from this—
  - establish where issues arose in the handling of the complaints and the actions in relation to the Scottish Ministerial Code
  - consider what actions were taken that gave rise to these issues
  - consider whether the policies are sufficient and fit for purpose or whether it was the application of the processes which gave rise to these issues
  - consider whether robust governance of policy evaluation and decision-making is in place
  - consider whether any lessons could be learned to avoid the issues arising again
3. The Committee agreed to break the inquiry down under three general headings. These are—
  - the actions taken in relation to the policy on handling harassment complaints involving current and former ministers. This includes—
    - the development of the policy; and
    - the handling of the complaints
  - the judicial review
  - the actions taken in relation to the Scottish Ministerial Code

### **Written evidence from the Scottish Government**

The Committee has requested extensive evidence being held by the Scottish Government. It is expected to be received over the course of July and processed by Parliament staff, in accordance with the handing of written evidence statement, for publication thereafter in as timely a manner as possible. If any evidence held is

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<sup>1</sup> [Policy on handling of harassment complaints involving current of former ministers](#)

<sup>2</sup> [Scottish Ministerial Code](#)

not provided, the Committee has requested an explanation of why that is the case. More detail on what has been requested is below:

### ***Policy development***

- A written statement plus supporting documents in respect of the development of the Scottish Government's procedure for handling harassment complaints about current or former Ministers.

As well as information relevant to this part of the inquiry, the Scottish Government has been asked to address: how the policy was developed, including why the policy review was ordered in the first place and how this task was approached the steps taken during the development of the policy, and what testing was conducted to make sure the policy was robust before it was implemented; who was involved in the development process; how decisions were taken in the process and how the consultation was carried out and the implementation of the policy planned, resourced and communicated.

### ***Judicial review***

- A written statement plus supporting documents in respect of information about the judicial review.

In particular, the Committee has sought information on the roles and responsibilities in relation to its conduct of litigation generally and in this case in particular; the extent to which the Scottish Government kept emerging details and prospects of success under review; how the decision to settle was taken, including the timing of the decision; and what factors contributed to the cost of settlement.

### ***Handling of complaints***

- A written statement plus supporting documents in respect of how the Scottish Government handled the specific complaints under the harassment procedure.

In particular, the Scottish Government has been asked to address: 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.

## **Seeking further written evidence from the Scottish Government**

4. The Committee has also agreed to seek further evidence from the Scottish Government in relation to the final phase of the inquiry, the Ministerial Code and the application of the Code in relation to complaints handling. In general terms, the focus of this element of the inquiry will include: to give general consideration as to whether the code is fit for purpose: whether it is clear what course of action is required; whether there is too much discretion in its operation; and ultimately whether it protects integrity of public life. More specifically the Committee will explore who knew what and at what point, what was the nature of the meetings between the First Minister and Alex Salmond and how was the distinction drawn between Government and Party matters.

## **Order of oral evidence**

5. The Committee intends to conduct the inquiry in a chronological way as far as is possible, and to identify themes to focus on for each evidence session. This will allow the Committee to consider the progress of events as they happened and as far as possible follow the flow of evidence in a logical way. The Committee also intends to ask all relevant witnesses about Scottish Government culture as an ongoing theme of its scrutiny.
6. The Committee has decided to seek to meet weekly from August. The Committee will commence evidence taking with a formal oral evidence session with the Permanent Secretary (and other relevant Scottish Government officials) to give evidence on the development of the complaints policy.
7. The Committee may decide to hear from the same witnesses more than once to ensure each phase of the inquiry covers all of the relevant information.

## **Written evidence**

8. The Committee has agreed a list of witnesses to seek written evidence from at this initial stage with a view to inviting a selection of these individuals to give oral evidence. This is an initial list and this can be extended based on the evidence the Committee receives in writing and in person. These individuals are:
  - Current and former permanent secretaries
  - Staff trade unions
  - The First Minister
  - The Deputy First Minister
  - Alex Salmond
  - Former Chief of Staff to Alex Salmond, Geoff Aberdein
  - The First Minister's Chief of Staff
  - A number of senior civil servants
  - The Lord Advocate
  - The Chief Executive of the SNP

## **Handling of evidence**

9. The Committee has agreed an approach to its handling of information and this has also been published on the Committee's [website](#). As with any parliamentary committee, the Committee has the ability to place witnesses under oath. The Committee has agreed that it will administer an oath/solemn affirmation for witnesses as a matter of course but that it will review this position in the case of any vulnerable witnesses.

