

**SCOTTISH GOVERNMENT WRITTEN STATEMENT ON DEVELOPMENT OF “THE PROCEDURE”:
CHRONOLOGY OF EVENTS**

Date	Event	Who was involved	Relevant footnote in SG Statement
During 2016	As part of wider discussions on organisational culture, the Permanent Secretary met with all Deputy Directors in the Scottish Government (SG) to consider what could be done to address the bullying and harassment scores in the annual People Survey.	The Permanent Secretary led discussions with all SG Deputy Directors.	
Spring 2017	Appointment of a Scottish Government Director to champion work to tackle bullying and harassment.	The Permanent Secretary appointed a Director to champion this work.	
30 October 2017	The First Minister wrote to the Presiding Officer setting out her concerns about reports of sexual harassment and other inappropriate behaviour and suggested cross party talks to strengthen the relevant parliamentary policies and procedures.	The First Minister wrote to the Presiding Officer.	Footnote 5
30 October 2017	The Presiding Officer responded to the First Minister advising that a meeting had been set up for the following day.	The Presiding Officer wrote to the First Minister.	Footnote 6
31 October 2017	The First Minister informed Cabinet of her correspondence with the Presiding Officer and that she had asked the Permanent Secretary to undertake a review of relevant SG policies and procedures to ensure that they were fit for purpose.	The First Minister advised Cabinet that she had corresponded with the Presiding Officer; and that she had commissioned the Permanent	Footnote 8

	The Cabinet agreed that the Deputy First Minister, as the most senior male Minister in the Cabinet, should respond to a topical question that afternoon about the actions the SG was taking to deal with sexual harassment.	Secretary to review relevant SG policies. The Cabinet agreed that the DFM should respond to the topical question.	
3 November 2017	The Head of the UK Civil Service, Sir Jeremy Heywood wrote to Permanent Secretaries asking all departments to satisfy themselves that their arrangements for dealing with concerns were working well and known by staff and that they covered staff interaction with each other, Ministers, special advisers and the full range of stakeholders.	Sir Jeremy Heywood wrote to all Permanent Secretaries.	Footnote 9
Early November 2017	<p>People Directorate commenced an internal assessment of processes and policies. This highlighted a number of areas for action which included:</p> <ul style="list-style-type: none"> • work to review the existing Fairness at Work and disciplinary procedures through the lens of sexual harassment; • a review of processes for handling complaints against Ministers or former Ministers; • development of the support offer for staff; and • a programme of staff communications. <p>This work included an assessment of the available mechanisms for individuals to raise concerns about sexual harassment and resulted in the production of a Route Map which described how complaints of</p>	Nicola Richards commissioned Judith Mackinnon and relevant officials in People Directorate to undertake an internal assessment of all relevant processes and policies.	Footnotes 10, 11, 12 and 17.

	<p>sexual harassment might be raised. This identified that there was a gap in terms of having a procedure that could be deployed should any historical complaints arise in Scotland.</p> <p>As a result, SG officials began work on the development of a new procedure that could be applied in respect of former Ministers. This work was led by the Head of Cabinet, Parliament and Governance Division, James Hynd working closely with colleagues in People Directorate and SGLD.</p>	<p>James Hynd led the development and drafting of a new procedure that could be applied in respect of former Ministers.</p>	
<p>2, 6 and 13 November 2017</p>	<p>The Permanent Secretary issued all-staff messages and intranet articles on the review process and related issues on 2, 6 and 13 November.</p> <p>The Permanent Secretary's message to staff dated 13 November 2017 included an offer that staff could raise related issues with herself, with staff in the Directorate for People, or with a named Director, outside People Directorate, who had agreed to act as a "confidential sounding board" for any member of staff who asked to discuss an issue of concern.</p>	<p>The Permanent Secretary communicated with all SG staff through a number of all-staff messages on the Scottish Government intranet.</p> <p>On 10 November 2017, the Permanent Secretary appointed Gillian Russell to act as a confidential point of contact for any member of staff who had experienced sexual harassment.</p> <p>The Permanent Secretary's message to staff dated 13 November 2017 explained that Gillian would listen to anyone who wanted to speak to her, providing them with a private, informal and supportive space;</p>	<p>Footnotes 40, 41 and 42</p> <p>Footnotes 42, 45 and 46</p>

		and signposting and guiding them to other support or a move to more formal action if required.	
7 November 2017	<p>The first version of a new procedure that could be applied in respect of former Ministers was created on 7 November 2017.</p> <p>Over the course of the period from 7 November to 20 December, an iterative and collaborative drafting process followed, during which it was decided to broaden the scope to also include serving Ministers so that there would be a single procedure that could be applied in respect of harassment complaints involving Ministers, whether current or former.</p> <p>During this iterative process, Nicola Richards sent the person who later made a complaint and was designated as “Ms A” an email on 14 December which included for information a draft of the procedure.</p> <p>This work ultimately culminated in the new procedure “Handling of Harassment Complaints Involving Current or Former Ministers”.</p>	<p>James Hynd produced the first draft of the new procedure.</p> <p>The iterative drafting process was led by James Hynd and involved Nicola Richards, Judith Mackinnon, relevant officials from People Directorate, Scottish Government Legal Directorate (SGLD) and SG trade union officials.</p> <p>Nicola Richards included a copy of the draft procedure for information in an email she sent to the person who would later be designated as “Ms A” on 14 December 2017.</p>	Footnotes. 18, 19, 22 and 46.

15 November 2017	The Permanent Secretary commented on a draft of the procedure.	The Permanent Secretary commented on a draft of the procedure.	Footnote 24
16 November 2017	The Cabinet Office was advised by James Hynd about the proposal to develop the procedure and a draft version was shared with them.	James Hynd shared a copy of the draft procedure with the Cabinet Office.	Footnote 30
17 November 2017	The First Minister's Chief of Staff, Liz Lloyd, was consulted on the appropriate allocation of responsibilities between the First Minister and the Permanent Secretary.	Liz Lloyd was consulted on the appropriate allocation of responsibilities between the First minister and the Permanent Secretary.	Footnote 25
17 November 2017	The Permanent Secretary indicated that she was content for a draft of the procedure as it existed at that point to be sent to the First Minister on the basis that they would consider it in parallel for their respective responsibilities.	The Permanent Secretary indicated that she was content for a draft to be shared with the First Minister.	Footnote 25
22 November 2017	In a letter to the Permanent Secretary, the First Minister noted that the Permanent Secretary had kept her briefed on the review of SG policies; and observed that in many instances the complaints being made about misconduct and sexual harassment in public life were concerned with events that had taken place sometime before. On that basis, the First Minister indicated that the review being taken forward should ensure that arrangements were in place to address concerns about the conduct of both current and former Ministers.	The First Minister wrote to the Permanent Secretary.	Footnote 21

24 November 2017	A version of the draft procedure was sent to the First Minister.	The Permanent Secretary's private office sent a version of the Procedure to the First Minister.	Footnote 26
12 December 2017	The First Minister and Permanent Secretary discussed the procedure at a meeting.	During one of their regular post-Cabinet meetings which took place on 12 December 2017, the First Minister and the Permanent Secretary discussed a hard copy of the procedure.	Footnote 27
14 and 19 December 2017	As part of the iterative development process, the procedure was shared in draft with the SG trade unions. The final draft was shared with the Council of Scottish Government Unions on 14 December and a meeting was held with trade union representatives on 19 December to discuss their comments on the procedure.	People Directorate officials shared the final draft procedure with the Council of Scottish Government Unions officials on 14 December 2017. Judith Mackinnon and other People Directorate officials met with the SG trade unions to discuss the draft procedure.	Footnote 31
20 December 2017	The Permanent Secretary wrote to the First Minister formally seeking her agreement to adopt the procedure.	The Permanent Secretary wrote to the First Minister.	Footnote 28
20 December 2017	The First Minister approved the new procedure "Handling of Harassment Complaints Involving Current or Former Ministers".	The First Minister approved the new procedure.	Footnote 29

	This formed the culmination of the process and from that point the procedure was in effect and available for any complaints that fell within its scope.		
8 February 2018	The new procedure, together with updated Fairness at Work material and a Route Map summarising the Scottish Government's approach to sexual harassment complaints generally, was published on the Scottish Government's intranet alongside a revised version of the Scottish Ministerial Code on 8 February 2018.	People Directorate published the new procedure and associated documents on the SG intranet.	Footnotes 47 and 51.
12 February 2018	The Permanent Secretary highlighted the new procedure in her weekly blog to all staff and provided a link to it and the Route Map summarising the SG's approach to sexual harassment complaints generally.	The Permanent Secretary highlighted the new procedure and Route Map in her weekly blog to all staff.	Footnote 52