



The Scottish Parliament
Pàrlamaid na h-Alba

EDUCATION AND SKILLS COMMITTEE

John Swinney MSP
Cabinet Secretary for Education and Skills
By email

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Dear John

Thank you for your letter in relation to Scottish Government officials' contact with some Committee witnesses on the Children and Young People (Information Sharing) (Scotland) Bill. This was considered in detail at our meeting on 7 February. The Committee had a lengthy discussion on your letter and some Members considered that it did not fully address all of the matters raised with you. On that basis this letter seeks precise answers to a number of questions.

The Committee understands that, in general, engagement with stakeholders is important to the Government in developing legislation that is as robust and as applicable to those required to implement it as possible. The Committee is keen to close this matter and continue with its busy work programme. This work will include scrutiny of the draft Code of Practice as part of its scrutiny of the Bill at Stage 1 later this year. Being aware of all the relevant information to inform evidence sessions, including any Government policy decisions, is a crucial element of effective scrutiny. To give Parliament its place, any assurances offered to witnesses by the Government on ways in which policies will be changed or supplemented should be raised with the relevant committee first. This must be the case as this Committee moves forward with scrutiny of the Bill, anything less than this could be considered a slight on this Committee. The Committee will not be able to question witnesses fully or assess the policy effectively without full and timely sight of the Government's intentions.

In order that the Committee can consider further the amount of contact, and the content of discussions, with witnesses so far at Stage 1, it would appreciate a detailed timeline outlining the following:

1. The dates that all organisations / individuals that provided evidence to the Committee were approached by Scottish Government officials, ministers or special advisers.

2. Details of how Scottish Government officials, ministers or special advisers came to know what dates organisations / individuals were appearing before the Committee and the rationale behind contacting them.
3. The dates of any: a) meeting; b) phone call in place of a meeting; or c) email exchange in place of a meeting for each organisation / individual that gave evidence (or that officials are aware were invited to give evidence but for any reason could not attend) with Scottish Government officials, ministers or special advisers.
4. The dates and details of any meetings / emails / phone calls to those who provided written evidence to the Committee but did not provide oral evidence.
5. Details of any organisations / individuals over the course of September and October 2017 who sought to meet with the Government on the Bill / associated code where the offer was declined.
6. Details of any focus during discussions at meetings with witnesses about the Committee meeting they would be attending (e.g. officials detailing who the other witnesses attending were for witnesses or any questions from officials on what matters witnesses planned to highlight to the Committee).
7. Details of the presentation given on the Bill and any discussions which took place between Scottish Government officials and potential Committee witnesses at the National Child Protection Leadership Group on 21 September 2017.
8. Details of any proposed changes to the published Bill and associated documents that were discussed by Scottish Government officials, ministers or special advisers with individuals / organisations, and the relevant dates.
9. The dates and details of any discussions that took place regarding the Scottish Government's proposed public information campaign ahead of 6 November 2017.
10. Details of any awareness from government officials, special advisers, or ministers, of the contents of the joint submission from stakeholders to the Committee in advance of its issue to the Committee on 6 November 2017, and the relevant dates.
11. Details of any organisations / individuals with whom the contents or proposed contents of your letter to the Committee of [6 November](#) were shared or discussed, and the relevant dates.
12. Details of what instruction or briefing was given by you or special advisers to Government officials about meetings with witnesses, and the relevant dates. If this did not occur, confirmation that officials chose to have these meetings / email exchanges / telephone conversations unilaterally.
13. If Scottish Government officials acted unilaterally, the date and detail of how you became aware they were meeting witnesses ahead of their appearance before the Committee.
14. What steps you undertook following your appearance at the Committee on 8 November 2017 to check the dates of meetings and to confirm the Scottish Government's private thinking had not been shared by Scottish Government officials or special advisers with witnesses ahead of their oral evidence.

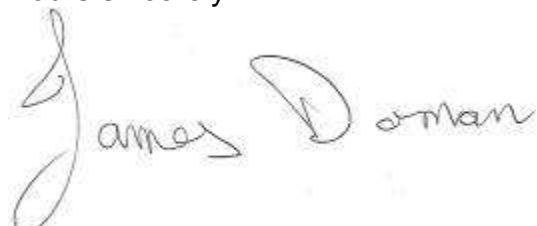
15. The dates and details of any further meetings / emails / phone calls by Scottish Government officials, ministers or special advisers with individuals/organisations after they gave evidence to the Committee.

16. Confirmation that all relevant information relating to existing FOI requests has been disclosed.

The Committee would request a response as soon as is practicable.

For reference, for reasons of openness and transparency, the Committee also intends to send this letter to all those that have provided written and oral evidence to the Committee at Stage 1 so far.

Yours sincerely

A handwritten signature in black ink that reads "James Dornan". The signature is written in a cursive style with a large initial 'J'.

**JAMES DORNAN MSP
CONVENER**