

From: Russell GE (Gillian) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Sent: 23 November 2017 16:28
To: Mackinnon J (Judith) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Richards N (Nicola) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: Complaints Involving Current or Former Ministers; ACTION

Judith

Sorry- I did not mean to imply that we would simply report. I was asking in what circumstances that might arise. This was more in the context of the guidance note. I actually think it would be helpful to set out further issues that would be considered as I think it may put people off coming forward if they thought we would automatically refer allegations of a potentially criminal nature on.

Your reply is helpful and I just want to make sure I am doing things appropriately here.

Gillian

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]

[Redacted 6 Paragraphs]

[Redacted 2 Paragraphs]

[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]

[Redacted 1 Paragraph]

[Redacted]

From: Mackinnon J (Judith)
Sent: 23 November 2017 12:57

To: Russell GE (Gillian); [Redacted]([Redacted]@scotland.pnn.police.uk)
Subject: FW: Complaints Involving Current or Former Ministers; ACTION

For info – this is the latest agreed version for reference.

Judith

From: [Redacted Head of Branch, People Directorate 1]
Sent: 23 November 2017 12:16
To: Mackinnon J (Judith)
Subject: FW: Complaints Involving Current or Former Ministers; ACTION

Judith

Latest version.

[Redacted Head of Branch, People Directorate 1]

From: Hynd JS (James)
Sent: 23 November 2017 12:06
To: [Redacted Head of Branch, People Directorate 1]
Subject: RE: Complaints Involving Current or Former Ministers; ACTION

Hi [Redacted Head of Branch, People Directorate 1]

Latest draft here. Still not finalised.

James

James Hynd
Head of Cabinet, Parliament and Governance Division
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From: [Redacted Head of Branch, People Directorate 1]
Sent: 23 November 2017 11:41
To: Hynd JS (James)
Subject: FW: Complaints Involving Current or Former Ministers; ACTION

James

Has this moved on – is there a further draft?

[Redacted Head of Branch, People Directorate 1]

From: Richards N (Nicola)
Sent: 16 November 2017 08:00
To: [Redacted Head of Branch, People Directorate 1]
Subject: FW: Complaints Involving Current or Former Ministers; ACTION

fyi

From: [Redacted Private Secretary 1]
Sent: 15 November 2017 18:18
To: Hynd JS (James)
Cc: Permanent Secretary; Richards N (Nicola); Mackinnon J (Judith); [Redacted Private Secretary 2]
Subject: RE: Complaints Involving Current or Former Ministers; ACTION

Many thanks James

[Redacted Private Secretary 2] and I discussed with Leslie earlier. She is very grateful for the work done to get to this stage. I have tracked some changes and questions, which I'm happy to talk through tomorrow morning.

Perm Sec would like you to run the next version past [Redacted] to check that our approach doesn't cause them significant difficulty; and to be able to talk to FM about the proposed process when they meet on Tuesday morning – so ideally we'd need to work these comments through and sign [Redacted] in time to give Perm Sec a revised version by lunchtime on Monday. She also mentioned that she'd like to share with Wales and NI but makes sense to do that after [Redacted] has seen and commented.

We'll need to share with trade unions at the right time – link to reply to [Redacted] latest e-mail.

Happy to discuss

[Redacted Private Secretary 1]

[Redacted Private Secretary 1] | [Redacted] | [Redacted]
[Redacted] | [Redacted] | [Redacted]

From: [Redacted Private Secretary 2] **On Behalf Of** Permanent Secretary
Sent: 15 November 2017 11:55
To: Evans L (Leslie)
Cc: [Redacted Private Secretary 1]
Subject: FW: Complaints Involving Current or Former Ministers; ACTION

To see revised process – and two options in para 12.

Happy to discuss before you leave?

[Redacted Private Secretary 2]

From: Hynd JS (James)
Sent: 15 November 2017 11:52
To: Permanent Secretary
Cc: Richards N (Nicola); Mackinnon J (Judith)
Subject: Complaints Involving Current or Former Ministers

[Redacted Private Secretary 2]

Following Monday's discussion with Perm Sec, I attach a revised draft of the process.

The key changes from the previous version are:

- New paragraphs 5-8 deal with the position of complaints against serving Ministers. The text in paras 5-7 is, in large part, a straight lift from the Ministerial Code. Paragraph 8 is new text which aims to ensure that Perm Sec's responsibilities are clearly highlighted and are not conditional on how FM decides to handle any complaint.
- Paragraph 12 provides 2 options for how we would decide to proceed with a complaint against a former Minister of the current Administration. Option A provides that the FM is advised, for information only, that a complaint has been received and is being taken forward under the process as at Paragraph 14. Option B provides that the FM decides how the complaint should be handled, i.e. she has the same locus as she would have for a serving Minister. Under Option B, FM could ask Perm Sec to proceed as in paragraph 14 or FM could decide to proceed in some other way. However, under either option, the Perm Sec would retain her duty of care for the welfare of the staff member and also to take any other action that was required, for

example, if the complaint revealed evidence of a failing in line management that had to be addressed (paragraph 14.3).

- I have included at appropriate points references to Perm Sec engaging with Scottish Party Leaders where a complaint is received about a former Minister of their Party.

James

James Hynd
Head of Cabinet, Parliament and Governance Division
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From: Hynd JS (James)
Sent: 10 November 2017 12:31
To: Permanent Secretary
Cc: Richards N (Nicola); Mackinnon J (Judith)
Subject: FW: For today

[Redacted Private Secretary 2]

I attach a draft of the process for taking forward a complaint against a former Minister. Nicky has seen and is content, as is SGLD [Redacted Lawyer 1] .

Perm Sec is also looking for names of potential candidates to fill the senior nominated officer role set out in the process. Possible candidates might be:

[Redacted 3 Paragraphs]

James

James Hynd
Head of Cabinet, Parliament and Governance Division
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From: Richards N (Nicola)
Sent: 10 November 2017 10:28
To: Permanent Secretary; Hynd JS (James); Mackinnon J (Judith)
Subject: For today

Hi all

Just confirming we know what's needed for today and who's leading on what. Perhaps [Redacted Private Secretary 2] could confirm and add anything I've missed? I've used the headings from yesterday's sitrep.

- Process for former ministers (NR / JH)
 - JH has final draft, seeking legal input.
 - James / [Redacted Private Secretary 2] seeing if they can contact [Redacted] so we can consider in line with Whitehall practice.
 - options for nominated officer
 - Process will be with Perm Sec today. **[IS THIS NEEDED FOR FM BOX CLOSURE OR JUST FOR PERM SEC REVIEW/AWARENESS?]**
- Communications plan (JMck / [Redacted]/ Corp comms)
 - to continue conversation with organisation and develop this as part of our early intervention / positive and inclusive cultures change process
 - 6 week plan as a basis for fleshing out with Comms – NR - will share copy today
 - draft letter for Monday – required today **[NR - could you confirm that Perm Sec wants this to be an all staff message?]**
 - outline for Gillian and Barbara on what is asked of them **[NR – required today]**
- Policy review (JMck / [Redacted head of Branch, People Directorate 2])
 - Work underway on Fairness at Work and conduct policy.
 - Early milestones
 - route map to clarify complaint handling
 - engagement with unions
 - development with EAP of options for bespoke confidential offer
 - material to be shared as part of comms and engagement plan – including updated Standards of Behaviour.
 - Outline of work undertaken to date and plan forward required in form of short briefing note for Perm Sec to share with FM **[JMck - next week – IS THAT OK FOR TIMING?]**
- Engagement on culture (NR/JMck – linking with [Redacted] [Redacted] and [Redacted] amongst others)
 - analysis and action on back of Survey results

- engagement with interested parties (e.g. DG ally / other hosted staff sessions)
 - review interventions underway with DGs
 - DQ session on building positive team cultures
 - planning for wider interventions with managers
- Live issues (NR / JMck / [Redacted - Head of Branch, People Directorate 3])
 - Reports to HR:
 - one issue – confirmed against a [REDACTED] member of staff in [REDACTED], individuals affected determining if they wish to pursue
 - one reflection on response to message
 - Reports to others:
 - 2: 1 to [Redacted] / 1 to BA



Nicola Richards | Director, People Directorate | [Redacted]
[Redacted]
[Redacted]
[Redacted]