

Complaints against ministers - harassment

08 January 2018 11:10

Subject	RE: Complaints against ministers - harassment
From	[Redacted Private Secretary 1]
To	[Redacted Head of Branch, People Directorate 2]; [Redacted Head of Branch, People Directorate 1]
Cc	Mackinnon J (Judith); Richards N (Nicola); Permanent Secretary; [Redacted - Private Secretary 2]; Director Communications, Ministerial Support & Facilities; Hynd JS (James)
Sent	21 December 2017 15:30

Dear all

FYI – the First Minister is content with the proposed process set out in the Perm Sec's advice of 20 December.

[Redacted Head of Branch, People Directorate 1] and I discussed earlier today and thought that it would be sensible for us to sit with James H and other HR colleagues in advance of further discussion with the trade union side to think through the approach we should take to the questions raised about the wider applicability of the policy.

If you let us know the timeframe for the next round of discussions and I'll set something up.

Regards

[Redacted Private Secretary 1]

[Redacted private Secretary 1] | [Redacted] | [Redacted] | [Redacted] | [Redacted]

From: [Redacted Private Secretary 1]
Sent: 20 December 2017 16:49
To: [Redacted Head of Branch, People Directorate 2]; Hynd JS (James)
Cc: [Redacted Head of Branch, People Directorate 1]; Mackinnon J (Judith); Richards N (Nicola); Permanent Secretary; [Redacted Private Secretary 2]
Subject: RE: Complaints against ministers - harassment
Importance: High

Thanks [Redacted Head of Branch, People Directorate 2]

This is the final version gone to FM for approval. It reflects our earlier discussion. For the benefit of colleagues, we agreed your points a, b, c below but decided not to include a reference to the ombudsman (para 12/13 in your tracked version).

Grateful if you would let us have an early readout from further conversation with trade union colleagues and in particular confirmation that we have reached the position described in the highlighted section below.

[Redacted Private Secretary 1]

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

<< File: Handling of harassment complaints - 20 December 2017.docx >>

From: [Redacted Head of Branch, People Directorate 2]
Sent: 20 December 2017 13:38
To: [Redacted Private Secretary 1]; Hynd JS (James)
Cc: [Redacted Head of Branch, People Directorate 1]
Subject: Complaints against ministers - harassment

<< File: Complaints against ministers - harassment.docx >>
James / [Redacted Private Secretary 1],

To see attached which:

- a) incorporates the changes we noted yesterday (strengthening language around perm sec's role and FM's role in particular)
- b) re-instates references to harassment – so the policy will apply to “harassment” cases rather than all cases (although I can't see any other type of case that might occur – and as we don't define harassment unions will simply construe this as an unnecessary narrowing)
- c) minor textual changes to reflect HR language and ensure consistency of process between investigation of ministerial complaints and complaints against former ministers]

NB – I've left one question in at para 12/13 – can you consider this.

We will try and position things with the unions that this reflects on their comments but that the intent now is to sign off on a process for investigation of harassment complaints in of itself, and that we will consider (with your input) their further comments (such as comments about wider applicability in the new year).

As discussed, as we currently have a fairness at work policy which has been agreed through collective agreement (and which includes a separate process for investigation of complaints), we need to approach matters sensitively with the unions as any suggestion that we are not open to extending this process in the new year could simply result in unions seeking to enforce the collective agreement agreed in 2010 for all matters, including matters in relation to harassment.

Give me a call if you want to discuss any of this,

[Redacted Head of Branch, People Directorate 2]