

From: Hynd JS (James)  
Sent: 08 November 2017 09:12  
To: [Private Secretary 1] <[Private Secretary 1]@gov.scot>; Private Secretary 2 <[Private Secretary 2]@gov.scot> Subject: RE: Update

Happy to do so.

James

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

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From: [Private Secretary 1]  
Sent: 08 November 2017 09:00  
To: Hynd JS (James); [Private Secretary 2]  
Subject: RE: Update

James, maybe we should have a chat first with [Private Secretary 2] – we covered a lot of this with Judith and Nicky yesterday – and then with Leslie.

[Private Secretary 1]

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From: Hynd JS (James)  
Sent: 08 November 2017 08:55  
To: MackInnon J (Judith); Permanent Secretary; [Head of Branch, People Directorate 2]  
Cc: Richards N (Nicola); [Head of Branch, People Directorate 3]; [Head of Branch, People Directorate 4]; [Head of Branch, People Directorate 1];  
[Private Secretary 1]  
Subject: RE: Update

Judith

Thanks. From my perspective neither of the pathways involving Ministers look right so I wouldn't be happy for this go forward as it stands. I think it would be worth having a chat about this along with [Private Secretary 2] and [Private Secretary 1].

James

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

From: Mackinnon J (Judith)  
Sent: 08 November 2017 08:47  
To: Hynd JS (James); Permanent Secretary; [Head of Branch People Directorate 2]  
Cc: Richards N (Nicola); [Head of Branch People Directorate 3]; [Head of Branch People Directorate 4]; [Head of Branch People Directorate 1] [Private Secretary 1]  
Subject: RE: Update

James

Yes, [Head of Branch People Directorate 2] spoke with [Lawyer 1] in the afternoon. Do you have any further advice to add?

Best wishes

Judith

From: Hynd JS (James)  
Sent: 07 November 2017 21:24  
To: Permanent Secretary; Mackinnon J (Judith); [Head of Branch People Directorate 2]  
Cc: Richards N (Nicola); [Head of Branch People Directorate 3]; [Head of Branch People Directorate 4]; [Head of Branch People Directorate 1] [Private Secretary 1]  
Subject: RE: Update

Judith

Thanks for sending on the routemap earlier, I was wondering if the pathway concerning former Ministers had been informed by legal advice as mentioned at point 4 below?

James

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

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From: [Private Secretary 2] On Behalf Of Permanent Secretary  
Sent: 07 November 2017 12:51  
To: Mackinnon J (Judith); [Head of Branch, People Directorate 2]  
Cc: Richards N (Nicola); [Head of Branch, People Directorate 3] [Head of Branch, People Directorate 4] [Head of Branch, People Directorate 1] ;  
Permanent Secretary; [Private Secretary 1]; Hynd JS (James)  
Subject: RE: Update

Judith, [Head of Branch, People Directorate 2]

Thank you for really helpful conversation. On the back of that you are sketching out a route map for handling which you hope to get to us later this pm. Would you copy James Hynd into that – given the Ministerial Code aspect?

[Private Secretary 2]

[Private Secretary 2] | [REDACTED] | [REDACTED] | [REDACTED] [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]

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From: [Private Secretary 1]  
Sent: 07 November 2017 10:50  
To: Mackinnon J (Judith)  
Cc: Richards N (Nicola); [Head of Branch People Directorate 3]; [Head of Branch, People Directorate 4] [Head of Branch, People Directorate 2] [Head of Branch, People Directorate 1]  
[Private Secretary 2]  
Subject: RE: Update

Thanks Judith, helpful to see. Discussed aspects with Perm Sec earlier today – useful to give you a readout over the phone and to discuss point 4 below. Suggest a quick conf. call with

[Private Secretary 2] and me and whoever you think from your team. Can you let me know when suits – I'm

tied up all afternoon at Exec Board, but free till then.

[Private Secretary 1]

[Private Secretary 1] | [REDACTED] | [REDACTED]  
[REDACTED] | [REDACTED] | [REDACTED]

From: Mackinnon J (Judith)  
Sent: 07 November 2017 10:38  
To: [Private Secretary 1]  
Cc: Richards N (Nicola); [Head of Branch, People Directorate 3] [Head of Branch, People Directorate 4] [Head of Branch, People Directorate 2] [Head of Branch, People Directorate 1]  
Subject: Update

[Private Secretary 1]

Further to our discussion last night, I would suggest the following for your discussion with the Perm Sec:

1. The Fairness and Work and Disciplinary procedures will be reviewed by Christmas through the lens of sexual harassment to ensure they are appropriate, and then a more detailed review post-Christmas, as was already planned. (properly reviewed with union engagement etc)
2. In the meantime, sexual harassment as a form of misconduct, will be re-categorised to an example of Gross Misconduct
3. Any allegation of sexual harassment for the time being will be prioritised by [Head of Branch, People Directorate 4] and [Head of Branch, People Directorate 3], and overseen by myself - Nicky will be provided with daily updates if required.
4. Allegations against ministers, or former ministers, will be escalated to the Perm Sec, and we will seek to engage an independent party to investigate the issue if required (still to be identified) - you are also having discussions with [Head of Branch People Directorate 1] on the section of the FaW policy relating to ministers. We need to take some legal advice on the issue of complaints against former ministers.
5. ~~6.~~ There is on-going support for staff in the EAP and our Health and Wellbeing
6. We will communicate to staff these interim arrangements so there is clarity during the period of review.

I hope this helps in the meantime - we have all prioritised this issue, and providing regular updates to ensure visibility for Nicky.

Best wishes

Judith



Judith Mackinnon | Deputy Director, People Advice, People Directorate |

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]