

Linda Fabiani MSP
Convenor – Committee on the Scottish
Government Handling of Harassment Complaints
c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
Edinburgh
EH99 1SP

21 August 2020

Dear Ms Fabiani

Committee on the Scottish Government Handling of Harassment Complaints

On 18 August I undertook to write to the Committee to provide further information in response to questions which the Committee raised with me.

In response to a question from Margaret Mitchell MSP I was unable to recall whether it was 2016 or 2017 when discussions arose about the application of the Fairness at Work policy in relation to issues involving Ministers. I can confirm that this was in early 2017 and discussions with the unions about this aspect of the policy continued during spring and early summer 2017.

As I outlined during my evidence session, and discussed in the Scottish Government's written statement on the development of the Procedure (in particular paragraph 40), the Procedure for handling complaints involving current or former Ministers was agreed and became operational from 20 December 2017. You will also be aware from documents submitted with the written statement, including exchanges between the Scottish Government People Directorate and the Council of Scottish Government Unions, that the Procedure took effect in December, although some residual work followed throughout January 2018 to incorporate and present the procedure alongside the Fairness at Work policy. I explained to Committee that, following a range of staff communications in November 2017, the Procedure was published on the Scottish Government's intranet on 8 February 2018 to align with the revisions made to the Scottish Ministerial Code. I also undertook to clarify an inconsistency raised by Jackie Baillie MSP, namely that the Scottish Government external website stated that the Procedure was published on the intranet at the same time as it was agreed (December 2017). That reference on the website was not correct and has now been updated to reflect the February internal publication date.

You asked about the timescales for the Scottish Government Harassment Complaints Procedure Review. It is anticipated that the Review will be concluded before the end of the year; however if the Reviewer considers it necessary the timeframe for this work may be extended. I have also attached the PQ Answer outlining the remit for this review.

On 18 August I noted that during 2017, in line with the usual analysis and response to the annual People Survey in the Scottish Government, there was discussion about how to continue to improve and deepen action to address bullying and harassment, both within teams and across the organisation. The Scottish Government's People Board minutes reflect this and I have appended them to this letter.

I thought it would also be useful to take this opportunity, in the light of extensive media coverage, to offer a comment in relation to my response to Mr Fraser's question on whether "female civil servants were advised not to be alone in the company of the former First Minister" and your decision to disallow that question. I fully appreciate you will have had reasons, based on the Committee's remit and the various legal restrictions in place, for disallowing that line of questioning. However, I would like to make clear that - contrary to some media reports - I am very willing to write to the Committee to address this issue.

I was asked about the Chief of Staff's involvement in the development of the procedure. The Scottish Government's submission to the Committee described in complete terms the input that the Chief of Staff had to the process of developing of the Procedure. Supporting documentation has also been submitted to the Committee on this point. There is nothing further to add to the information that has already been submitted to the Committee.

At the conclusion of the meeting you asked me to reflect on some of what was said during the session, particularly in relation to the letter of 14 August from the Deputy First Minister and the issues of legal privilege and verbal evidence. The Deputy First Minister's letter of 14 August sets out the Scottish Ministers' rationale for asserting legal privilege in relation to documents it holds and it would not be appropriate for me to offer further comment on that.

On your point about verbal evidence, the Deputy First Minister's letter of 14 August sets out the Scottish Government's position, in particular that civil servants giving evidence to the Committee in whatever form will do so on behalf of, and under the direction of, Ministers. That letter adds to points I made in my letter to you of 24 July and the paper on civil servants' constitutional position and the Civil Service Code to which my letter referred. I would be happy to respond to any further questions on this.

Yours sincerely

Leslie Evans
Permanent Secretary to the Scottish Government

27 Jan 2017: Item 4: People Survey 2016

1. X provided an update on the work her team has been doing to support the areas of the organisation following the results of the 2016 People Survey. X talked the Board through the support offered by People Directorate, highlighting some of the indicators that help assess the overall health of an area, and presented ideas around how this can be further developed to help meet the needs of the organisation. The Board was asked to agree to the current approach, provide views on how this can be developed and when issues should be escalated to People Board.
2. During discussion the Board noted that the People Survey should be used to drive improvements but that it was important that managers were supported in addressing problem areas and making changes.
3. The Board **agreed** that People Directorate should pull together information on headline themes for further consideration by the Board.

19 June 2017 - Item 4: Creating Positive and Inclusive Cultures (PplB(17)14)

4. X led the discussion and asked the Board to consider where responsibility sits when issues are raised and what the role of the Board should be in this process. The Board noted that X will present the findings to the Directors Network in August.
5. **During discussion the Board:**
 - Agreed that it is the responsibility of the relevant director, with support where required from the HR BP or coach, to ensure that action is being taken locally to resolve issues;
 - Agreed the role of the People Board is to be assured that action is taking place and to recognise and share good practice. It was agreed the Board should receive an update in September and that going forwards this should be considered on a half yearly basis;
 - Agreed that advice should be sought from diversity networks to explore whether the issues are being resolved appropriately; and
 - Agreed to explore the suggestion to develop a network of coaches to offer informal support, who would be governed by a clear framework around roles and responsibilities.