Committee on the Scottish Government Handling of Harassment Complaints

James Wolffe QC  
Lord Advocate  
c/o Clerk to the Committee  
Room T1.03  
The Scottish Parliament  
Edinburgh  
EH99 1SP

BY EMAIL  
SGHHC@parliament.scot

5 November 2020

Dear Lord Advocate,

Request for information from the Crown Office and Procurator Fiscal Service

I am writing to you in my capacity as Convener of the Scottish Parliament’s Committee on Scottish Government Handling of Harassment Complaints.

The Committee was established with the following remit:

“To consider and report on the actions of the First Minister, Scottish Government officials and special advisers in dealing with complaints about Alex Salmond, former First Minister, considered under the Scottish Government’s “Handling of harassment complaints involving current or former ministers” and procedure and actions in relation to the Scottish Ministerial Code.

As set out in the Committee’s paper on its approach to the inquiry the Committee is tasked with considering the Scottish Government’s handling of complaints under the procedure and the subsequent judicial review proceedings raised by Alex Salmond, Former First Minister, against the Scottish Government in the Court of Session in August 2018.

Following a Committee Evidence Session on 15 September 2020, one of the witnesses, Barbara Allison, Director of Communications, Ministerial Support & Facilities at Scottish Government, wrote to the Committee on 26 October 2020 to provide the content of text messages between her and the Permanent Secretary relating to the Scottish Government’s decision to concede the judicial review proceedings. Ms Allison informed the Committee that she herself no longer held a record but had obtained a copy from the Crown Office and Procurator Fiscal Service,
as it had been retrieved from her mobile phone in the context of the proceedings in HMA v Alexander Salmond.

Whilst the Committee has agreed that its remit is not to revisit those proceedings nor reinvestigate the substance of the complaints originally made to the Scottish Government, the example cited above demonstrates that there may be material held by the Crown Office and Procurator Fiscal Service which is relevant to the Committee’s remit.

The criminal trial has concluded, and the Committee is not seeking information in relation to the Crown’s decision to prosecute, the “merits” of the allegations or the conduct of the trial. However, the Committee is seeking material that the Crown may hold which falls within the Committee’s remit, specifically any information, for example communications between officials, related to the conduct of the judicial review and the Scottish Government’s decision to concede; as well as information concerning the handling of the harassment complaints considered under the Scottish Government procedure as opposed to the merits of any such complaints.

The Committee wishes to obtain the relevant information and evidence necessary to fulfil its remit in a timely manner and therefore requests provision of all such information held by the Crown Office and Procurator Fiscal Service.

The Committee is fully aware of the terms of the court order in place protecting the identities of the complainers in the trial and the Committee’s statement on the handling of information and evidence confirms that the Committee will treat all information in accordance with the relevant court orders and data protection law.

I look forward to hearing from you by noon on Monday 9 November.

Yours sincerely

Linda Fabiani MSP
Convener, Committee on the Scottish Government Handling of Harassment Complaints