



The Scottish Parliament
Pàrlamaid na h-Alba

Committee on the Scottish Government Handling of Harassment Complaints

John Swinney MSP
Deputy First Minister

c/o Clerk to the Committee
Room T1.03
The Scottish Parliament
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BY EMAIL

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19 November 2020

Dear Mr Swinney

Thank you for your letter of 19 November 2020.

As you are aware, the Committee originally asked for the documentation relating to the complaints handling phase of its inquiry to be submitted by mid-July and this deadline was subsequently extended until 31 August.

You indicated at that time that you would not be able to release this documentation as an objection had been received and you subsequently informed us that you were considering taking the matter to Court.

The Committee confirmed in its letter of [12 October 2020](#) and repeated in its letter of [6 November](#) that it was not seeking, nor did it require the Government to seek, documents the Court cannot release without a court order and it confirmed that it wished to receive from the Scottish Government as a soon as possible, a timeline or written submission giving information on the process undertaken by the Scottish Government in investigating the complaints.

As recently as [12 November](#), I made it clear in correspondence that the Committee must fulfil its responsibility to report findings to Parliament and that it was considering moving to oral evidence taking on the complaints handling process in the absence of relevant documentation and this was likely to mean that Scottish Government officials would need to spend more time in Committee covering matters in person that should have been covered by the Scottish Government's written statement and associated documentation.

Given all of this, I find it unacceptable that you are now writing to the Committee to say that the Scottish Government does not agree to two of its civil servants giving evidence to the Committee at its meeting next Tuesday because the Scottish Government has not produced a timeline and statement to accompany documentation. While the

Committee appreciates that no witness should be put in a position where they might inadvertently breach a court undertaking or court order, it is the Scottish Government which has put its own employees in this position.

I have previously made clear my, and the Committee's frustration at the continual delays and obfuscation we seem to be facing and your correspondence has only added to that frustration.

I note you will write to the Committee by 24 November indicating whether the government will be in a position to provide the committee with the statement, timeline and underlying set of documents before the committee meeting on 1 December. The Committee must progress with its evidence taking and will discuss this matter further.

Yours sincerely

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