

An Leas-phrìomh Mhinistear agus Ath-shlànachadh
Covid
Deputy First Minister and Cabinet Secretary for Covid
Recovery
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000

E: dfmcsr@gov.scot

Kenneth Gibson MSP
Convener
Finance and Public Administration Committee
Scottish Parliament
Edinburgh
EH99 1SP

Via email only

27 June 2022

Dear Kenneth,

I understand you are considering your forward work programme. I have welcomed the constructive and helpful scrutiny by the Committee of the updated procedure for handling formal complaints by civil servants about a Minister's or former Minister's behaviour.

As intimated by the First Minister at First Minister's Questions last week (23rd June) the issue of transparency regarding the subject of complaints against Ministers must be carefully balanced against considerations of privacy and confidentiality. As we have previously discussed, it is essential that we ensure that there is full confidence in the process and that we encourage staff to come forward and use the revised process should they have a need to do so.

I have asked my officials to bring forward proposals which will look at greater transparency in the process for *future* complaints made which have been completed, in order to better balance the public interest with considerations of privacy, confidentiality and confidence in the process. Our intention is to make these changes relevant to the subject of the complaint, not the complainer where confidentiality would be retained. I intend to propose that the First Minister make changes to the Ministerial Code, along with minor revisions to the procedure. I do not intend to suggest any further changes to the wider procedure which was the subject of widespread engagement and scrutiny by your Committee.

I have asked officials to consider the changes necessary, drawing on advice of the independent advisors on the Ministerial Code and engaging with other key interested parties. I will let you know of these proposals after summer recess and look forward to discussing further with the Committee in September. I am grateful to the Committee for its continued engagement on this issue.

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