

[doc 9]

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**From:** Hynd JS (James)  
**Sent:** 05 February 2018 17:49  
**To:** Somers J (John); First Minister  
**Cc:** Permanent Secretary; [REDACTED] Cabinet Secretariat inbox; [REDACTED] Rogers  
DA (David) (Strategy and Constitution Director)  
**Subject:** Ministerial Code

John

As promised, here is a short note for FM to use during Scance tomorrow if she wishes to brief the Cabinet about the revised Code being published on Thursday.



[doc 10]

James

James Hynd  
Head of Cabinet, Parliament and Governance Division  
[REDACTED]  
St Andrew's House  
Edinburgh  
[REDACTED]

ORAL SCANCE NOTE FOR FM – CABINET 6 FEBRUARY

REVISIONS TO THE SCOTTISH MINISTERIAL CODE

1. I am proposing to publish a revision to the Scottish Ministerial Code this Thursday (8 February) at 2:30pm.
2. The main changes will be broadly similar to the revisions made to the UK Ministerial Code which the Prime Minister issued at the beginning of January.
3. The headline changes are:
  - **Some additional references relating to Ministerial standards of conduct;**
  - **New wording to require Ministers to report meetings to their Private Offices, including meetings held overseas (on the back of the Priti Patel case);**
  - **Clarifying the obligation on former Ministers to seek prior approval from ACOBA (Advisory Committee on Business Appointments) before taking up any new appointments on leaving office; and**
  - **A reference to the provisions of the Scottish Lobbying Act, which will come in to force next month.**
4. All Ministers and their Private Offices will be issued with the Code in advance of publication. It is important that all colleagues ensure they are familiar with the changes.
5. There is no planned press release to accompany publication but media lines are being developed in case of enquiries.

Cabinet Secretariat  
February 2018

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**From:** [REDACTED]  
**Sent:** Tuesday, February 06, 2018 3:31:14 PM  
**To:** [REDACTED] (Private Office); ParlyClerk Scotland;  
Minister for Parliamentary Business  
**Cc:** First Minister; Cabinet Secretariat inbox; Hynd JS (James);  
[REDACTED]; Nicolson S (Stuart) Special Adviser; [REDACTED];  
[REDACTED]; DL SPADS Admin; Somers J (John);  
Permanent Secretary; Lloyd E (Elizabeth); [REDACTED];  
[REDACTED]  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition - Government  
Inspired Question for answer on Thursday, 8 February at 2.30pm  
**Auto forwarded by a Rule**

[REDACTED] – for lodging on Wednesday morning, as discussed, just now.

[REDACTED] – here is the Written GIQ for answer on Thursday afternoon, for Mr FitzPatrick's information.

Copies: for information

I append below a Government Inspired Question, which has been approved by the First Minister (see e-mails below) for answer on **Thursday, 8 February at 2.30 pm**.

The First Minister wishes **Ben Macpherson MSP** to ask the question, and it would be answered by **Joe FitzPatrick MSP** as **Minister for Parliamentary Business**:

**Question (Ben Macpherson MSP):**

To ask the Scottish Government whether it is the First Minister's intention to publish a new edition of the Scottish Ministerial Code.

**Answer (Joe FitzPatrick MSP):**

The 2018 edition of the Scottish Ministerial Code will be published today. The Code, which was last revised in August 2016, provides a code of conduct and guidance on procedures for members of the Scottish Government and Junior Scottish Ministers. A copy of the 2018 edition of the Code may be found on the Scottish Government's website at: [www.gov.scot/isbn/9781788515757](http://www.gov.scot/isbn/9781788515757). As well as some minor updates, the Code has been amended in line with the January 2018 edition of the UK Ministerial Code: in particular, there are explicit references to: inappropriate, bullying or harassing behaviour; the requirement on Ministers to report meetings to their Private Offices, including meetings held overseas; and the role of the Advisory Committee on Business Appointments. In addition, a new paragraph 4.25 reflects the provisions of the Lobbying (Scotland) Act 2016.

[REDACTED]  
[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED] | [REDACTED] St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

**From:** [REDACTED] **On Behalf Of** First Minister  
**Sent:** 06 February 2018 13:51  
**To:** [REDACTED]; First Minister; Somers J (John)  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser; [REDACTED] (Private Office); DL SPADS Admin; Minister for Parliamentary Business; Somers J (John); Permanent Secretary; Lloyd E (Elizabeth); [REDACTED]  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

Robin

FM is happy with the below.

Thanks

[REDACTED]  
**Deputy Private Secretary**  
**Private Office to the First Minister**

[REDACTED] | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T: [REDACTED]

**From:** Benn R (Robin)  
**Sent:** 06 February 2018 12:19  
**To:** First Minister; Somers J (John); [REDACTED]  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser; [REDACTED] (Private Office); DL SPADS Admin; Minister for Parliamentary Business; Somers J (John); Permanent Secretary; Lloyd E (Elizabeth); [REDACTED]  
**Subject:** Re: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

Urgent:

PPS/FM

John, [REDACTED]

Can you confirm that you are content with this draft Government Inspired Question for the First Minister's interests?

I would need ideally to lodge the question this afternoon, given it is for answer on Thursday at 2.30pm.

Many thanks,

Sent from my BlackBerry 10 smartphone.

**From:** Lloyd E (Elizabeth)  
**Sent:** Tuesday, 6 February 2018 12:00  
**To:** [REDACTED]  
**Cc:** First Minister; [REDACTED] Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser; [REDACTED] (Private Office); DL SPADS Admin; Minister for Parliamentary Business; Somers J (John)  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

I'm happy with that and with Ben McPherson

Liz

**Elizabeth Lloyd**  
Chief of Staff to the First Minister  
St Andrew's House  
Regent Road  
Edinburgh EH1 3DG  
Tel: [REDACTED]  
Mobile: [REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 February 2018 11:59  
**To:** Lloyd E (Elizabeth); [REDACTED]  
**Cc:** First Minister; [REDACTED] Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser; [REDACTED] (Private Office); DL SPADS Admin; Minister for Parliamentary Business; Somers J (John)  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

Thank you, Liz.

James and I have considered and would propose the following (new text underlined). Are you content?

Many thanks,

[REDACTED]

**Question:** To ask the Scottish Government whether it is the First Minister's intention to publish a new edition of the Scottish Ministerial Code.

**Answer:** The 2018 edition of the Scottish Ministerial Code will be published today. The Code, which was last revised in August 2016, provides a code of conduct and guidance on procedures for members of the Scottish Government and Junior Scottish Ministers.

A copy of the 2018 edition of the Code may be found on the Scottish Government's website at: [www.gov.scot/About/People/14944/684](http://www.gov.scot/About/People/14944/684). As well as some minor updates, the Code has been amended in line with the January 2018 edition of the UK Ministerial Code: in particular, there are explicit references to: inappropriate, bullying or harassing behaviour; the requirement on Ministers to report meetings to their Private Offices, including meetings held overseas; and the role of the Advisory Committee on Business Appointments. In addition, a new paragraph 4.25 reflects the provisions of the Lobbying (Scotland) Act 2016.

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED] | [REDACTED] St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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**From:** Lloyd E (Elizabeth)

**Sent:** 06 February 2018 10:51

**To:** [REDACTED] Minister for Parliamentary Business

**Cc:** First Minister; [REDACTED] Cabinet Secretariat inbox; Hynd JS (James); [REDACTED]

[REDACTED] ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser; [REDACTED]  
[REDACTED] (Private Office); DL SPADS Admin

**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

[REDACTED]

Can we amend below so it explains a bit more what the changes are.

Eg In line with changes to the UK code - additions have been made in respect of meetings with overseas etc, behaviour, whatever else and the code has also been revised to refer to the introduction of the Scottish Lobbying Act.

The IPQ should form the basis for the press lines on what has changed.

Loz

**Elizabeth Lloyd**

**Chief of Staff to the First Minister**

St Andrew's House

Regent Road

Edinburgh EH1 3DG

Tel: [REDACTED]

Mobile: [REDACTED]

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**From:** [REDACTED]  
**Sent:** 02 February 2018 15:07  
**To:** Minister for Parliamentary Business  
**Cc:** First Minister; [REDACTED] Cabinet Secretariat inbox; Hynd JS (James); [REDACTED]  
[REDACTED] ParlyClerk Scotland; Lloyd E (Elizabeth); Nicolson S (Stuart) Special Adviser; [REDACTED]  
[REDACTED] (Private Office); DL SPADS Admin  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

[REDACTED]

We've now heard back from Liz Lloyd (copied) and have identified **the afternoon of Thursday, 8 February** (I've suggested at 2:30pm) for publication of the 2018 edition of the Scottish Ministerial Code.

I've also spoken to [REDACTED] in FM's office, who has suggested that **Ben Macpherson MSP** (one of FM's PLOs) should ask the question.

James and I would propose the following wording for a GIQ – this is subject to clearance from Special Advisers ([REDACTED] – **can you arrange for this to be cleared by Special Advisers?**):

**Question:** To ask the Scottish Government whether it is the First Minister's intention to publish a new edition of the Scottish Ministerial Code.

**Answer:** The 2018 edition of the Scottish Ministerial Code will be published today. The Code, which was last revised in August 2016, provides a code of conduct and guidance on procedures for members of the Scottish Government and Junior Scottish Ministers.

A copy of the 2018 edition of the Code may be found on the Scottish Government's website at: **[INSERT HYPERLINK]**. As well as some minor updates, the Code has been amended in line with recent changes which have been made to the UK Ministerial Code.

[REDACTED] – is there anything more you need from me, apart from the hyperlink?

Do get in touch if you need anything further.

[REDACTED]

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED] | [REDACTED] St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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**From:** [REDACTED]  
**Sent:** 26 January 2018 11:04  
**To:** Minister for Parliamentary Business  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

Thanks very much – we still await confirmation from Special Advisers with regard to timing.

[REDACTED]

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED] | [REDACTED] St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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**From:** [REDACTED] **On Behalf Of** Minister for Parliamentary Business  
**Sent:** 26 January 2018 10:44  
**To:** [REDACTED] Minister for Parliamentary Business  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

[REDACTED]

Thanks Mr FitzPatrick has noted and suggested that one of FM's PLOs should ask the GIQ, FM's office will be able to confirm.

Any problems let me know.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 19 January 2018 13:24  
**To:** Minister for Parliamentary Business  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

No definite timescales at this stage, although it should be relatively soon – as you can see from James's note, publication will depend on talks with the trade unions and on Special Advisers' views. We then need to build in a couple of days' lead-in time for the mechanics of publication.

All other things being equal, I would expect publication to be before the February recess, but we'll stay in touch with you once more is known.

[REDACTED]

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED] | [REDACTED] St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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**From:** [REDACTED] **On Behalf Of** Minister for Parliamentary Business  
**Sent:** 19 January 2018 13:21  
**To:** [REDACTED] Minister for Parliamentary Business  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED] ParlyClerk Scotland  
**Subject:** RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

[REDACTED]

Thanks for this, do you have an idea of timescales for the GIQ? Adding in Parly Clerks for their awareness.

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**From:** [REDACTED]  
**Sent:** 19 January 2018 13:12  
**To:** Minister for Parliamentary Business  
**Cc:** Cabinet Secretariat inbox; Hynd JS (James); [REDACTED]  
**Subject:** OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition

PS/Minister for Parliamentary Business

Copies: as above

[REDACTED]

For Mr FitzPatrick's information – background to the proposed changes to the Scottish Ministerial Code (which are relatively minor in scope) is contained in the attached minute from James Hynd to the First Minister. In reply, the First Minister indicated this morning that she is content with the proposed changes, subject to a minor amendment, as noted below.

In the usual way, Parliament will be informed of the publication of the updated Scottish Ministerial Code by means of an Government Inspired Question – I believe your office will be able to assist in identifying a suitable MSP.

I will ensure that your office is copied into any further emails.

Thanks in advance,

[REDACTED]

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED] | [REDACTED] St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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**From:** [REDACTED] **On Behalf Of** First Minister  
**Sent:** 19 January 2018 12:28  
**To:** Hynd JS (James); First Minister  
**Cc:** Permanent Secretary; DG Constitution and External Affairs; Rogers DA (David) (Strategy and Constitution Director); [REDACTED] Lloyd E (Elizabeth); [REDACTED] Director Communications, Ministerial Support & Facilities; Richards N (Nicola)  
**Subject:** RE: Scottish Ministerial Code

James,

The First Minister has thanked you for sight of this.

She has requested one slight change in paragraph 9.13 – we currently have;

“When holding meetings overseas with Ministers and/or officials from overseas governments, or where official business is likely to be discussed, Ministers should always ensure that a private secretary or Embassy official is present”

The First Minister would like this changed to;

“When holding meetings overseas with Ministers and/or officials from overseas governments, or where official business is likely to be discussed, Ministers should always ensure that a private secretary or relevant official is present”

The First Minister also agreed for talks to continue with the Unions and that there is no requirement at this stage for the foreword to be changed.

Happy to discuss further.

Thanks

[REDACTED]

[REDACTED]

**Operations Manager and Private Secretary to the First Minister**  
**The Scottish Government**

[REDACTED] | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | T: [REDACTED] | M: [REDACTED]

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**From:** Hynd JS (James)

**Sent:** 17 January 2018 16:57

**To:** First Minister

**Cc:** Permanent Secretary; DG Constitution and External Affairs; Rogers DA (David) (Strategy and Constitution Director); [REDACTED] Lloyd E (Elizabeth); [REDACTED] Director Communications, Ministerial Support & Facilities; Richards N (Nicola)

**Subject:** Scottish Ministerial Code

Top copy First Minister

3 page covering minute

<< File: Revisions to the UK Ministerial Code - January 2018 - Final.docx >>

45 page attachment

<< File: Scottish Ministerial Code - 2018 revisions - 17 January 2018.docx >>

James

James Hynd

Head of Cabinet, Parliament and Governance Division

[REDACTED]

St Andrew's House

Edinburgh

[REDACTED]

[doc 12]

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**From:** [REDACTED]  
**Sent:** 06 February 2018 16:00  
**To:** [REDACTED]  
**Cc:** Lloyd E (Elizabeth); Somers J (John); [REDACTED] Hynd JS (James); [REDACTED]  
[REDACTED] Cabinet Secretariat inbox  
**Subject:** RE: Ministerial Code - Publication

[REDACTED]

Copy to: Liz, John, [REDACTED] for information

James, [REDACTED] and I have prepared Q&A material for the publication of the Ministerial Code, which I attach – do let us know if you have any questions:



Revised Scottish  
Ministerial C...

Revised Scottish Ministerial Code - 2018 edition - Q-A - 8 February 2018 [doc 13]

Also, as further background, here is the GIQ that FM has approved for answer by Ben Macpherson MSP at 2.30pm on Thursday, 8 February:



RE:  
CONFIDENTIAL - SENIOR...

[doc 11]

And a copy of James's SCANCE note prepared for FM in advance of today's Cabinet:



Ministerial Code

[doc 9]

[REDACTED]

[REDACTED] | Cabinet Secretariat | Scottish Government | T [REDACTED] | M [REDACTED]  
[REDACTED], St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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**From:** [REDACTED]  
**Sent:** 05 February 2018 12:16  
**To:** [REDACTED]  
**Cc:** Hynd JS (James); [REDACTED]  
**Subject:** FW: Ministerial Code - Publication

Hi [REDACTED],

Just to let you know that my colleague [REDACTED] (cc:ed above) will be leading on this for internal comms interests.

[REDACTED] – details below.

Thanks,  
[REDACTED]

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**From:** Hynd JS (James)

**Sent:** 05 February 2018 11:50

**To:** Permanent Secretary; [REDACTED] (HR); Richards N (Nicola); ParlyClerk Scotland; Lloyd E (Elizabeth); [REDACTED] Minister for Parliamentary Business; [REDACTED]

**Cc:** Executive Team; EXECUTIVE TEAM PROGRAMME HUB; Rogers DA (David) (Strategy and Constitution Director); Director Communications, Ministerial Support & Facilities; [REDACTED] First Minister; Somers J (John); Mackinnon J (Judith)

**Subject:** Ministerial Code - Publication

Dear all

Preparations are being made to publish a revised Scottish Ministerial Code this Thursday (8 February) at 2:30pm. Publication will be made via a Government Inspired Question.

At the same time, the Code will be made available on the SG Website. A number of hard copies will be printed for internal use.

I attach a copy of the final text of the revised Code – **other than as set out below, the text should not be copied further before publication.**

I also attach a note explaining the main changes that have been made. **This note is for internal use only and not for publication.**

The following sets out the various actions that are needed, and assigns ownership to these.

1. **Government Inspired Question:**

- The Question and answer have been drafted and are with [REDACTED] for SpAd clearance.
- Once we have SpAd sign off, Cabinet Secretariat will pass to FM for sign-off.
- Parly Clerk colleagues have arrangements in hand for lodging and answering the GIQ.

- Cabinet Secretariat and Parly Clerk colleagues to agree copies for placing in SPICe.

## 2. SG Unions

- HR colleagues have orally briefed the unions about the intention to publish a revised Code. [REDACTED] will pass the Unions a copy of the approved text on Wednesday afternoon (7 February), under strict embargo.

## 3. Cabinet Office

- The majority of changes to the Scottish Code mirror those made last month to the UK version. As a courtesy, [REDACTED] will pass a copy of the Scottish Code to Sue Gray and her team in the Cabinet Office on Wednesday afternoon (7 February), under strict embargo.

## 4. Lines to Take

- Cabinet Secretariat will draft lines for agreement with Comms and SpAds.

## 5. Scottish Ministers

- On publication, Cabinet Secretariat will circulate copies of the revised Code to Scottish Ministers, including Law Officers.

## 6. Internal Comms

- [REDACTED] to consider and offer advice on the need for any internal comms activity.

## 7. FMQ

- Cabinet Secretariat will consult FMQ team about the need for an FMQ.

Will colleagues please let me know if there are any additional steps that need to be taken or if an action needs to be reassigned.

[REDACTED] will take ownership of the above plan and will be in touch as required.

<< File: SCT0118820158-1\_Code\_Final\_v3.pdf >> << File: Revisions to the Ministerial Code - Summary - February 2018.docx >>

James

James Hynd  
Head of Cabinet, Parliament and Governance Division

[REDACTED]  
St Andrew's House  
Edinburgh

[REDACTED]