From: Hynd JS (James)

**Sent:** 05 February 2018 17:49 **To:** Somers J (John); First Minister

Cc: Permanent Secretary; Cabinet Secretariat inbox; 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

St Andrew's House Edinburgh

#### OFFICIAL-SENSITIVE

[doc 10]

# 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

From:

Sent: Tuesday, February 06, 2018 3:31:14 PM

To: ParlyClerk Scotland;

Minister for Parliamentary Business

Cc: First Minister; Cabinet Secretariat inbox; Hynd JS (James);

; Nicolson S (Stuart) Special Adviser;

; DL SPADS Admin; Somers J (John);

Permanent Secretary; Lloyd E (Elizabeth);

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

for lodging on Wednesday morning, as discussed, just now.

– 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** <u>at 2.30 pm</u>.

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: <a href="https://www.gov.scot/isbn/9781788515757">www.gov.scot/isbn/9781788515757</a>. 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.

From: On Behalf Of First Minister
<b>Sent:</b> 06 February 2018 13:51 <b>To:</b> First Minister; Somers J (John)
Cc: Cabinet Secretariat inbox; Hynd JS (James); ParlyClerk Scotland; Nicolson S
(Stuart) Special Adviser; (Private Office); DL SPADS Admin; Minister for Parliamentary Business; Somers J (John); Permanent
Secretary; Lloyd E (Elizabeth);
Subject: RE: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition
Robin
FM is happy with the below.
Thanks
Deputy Private Secretary
Private Office to the First Minister  Standard   St Andrew's House   Regent Road   Edinburgh   EH1 3DG   T:
From: Benn R (Robin)
Sent: 06 February 2018 12:19  To: First Minister; Somers J (John);
Cc: Cabinet Secretariat inbox; Hynd JS (James); ParlyClerk Scotland; Nicolson S
(Stuart) Special Adviser; (Private Office); DL SPADS Admin; Minister for Parliamentary Business; Somers J (John); Permanent
Secretary; Lloyd E (Elizabeth);
Subject: Re: OFFICIAL-SENSITIVE - FW: Scottish Ministerial Code - 2018 edition
Urgent:
PPS/FM
John, Marie

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:

Cc: First Minister; Cabinet Secretariat inbox; Hynd JS (James);

ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser;

(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:
Mobile:

From:

**Sent:** 06 February 2018 11:59

To: Lloyd E (Elizabeth);

Cc: First Minister; Cabinet Secretariat inbox; Hynd JS (James);

ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser;

(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.

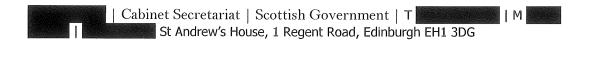
James and I have considered and would propose the following (new text underlined). Are you content?

Many thanks,

**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: <a href="www.gov.scot/About/People/14944/684">www.gov.scot/About/People/14944/684</a>. 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.



**From:** Lloyd E (Elizabeth) **Sent:** 06 February 2018 10:51

Minister for Parliamentary Business

Cc: First Minister; Cabinet Secretariat inbox; Hynd JS (James);

ParlyClerk Scotland; Nicolson S (Stuart) Special Adviser;

(Private Office); DL SPADS Admin

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

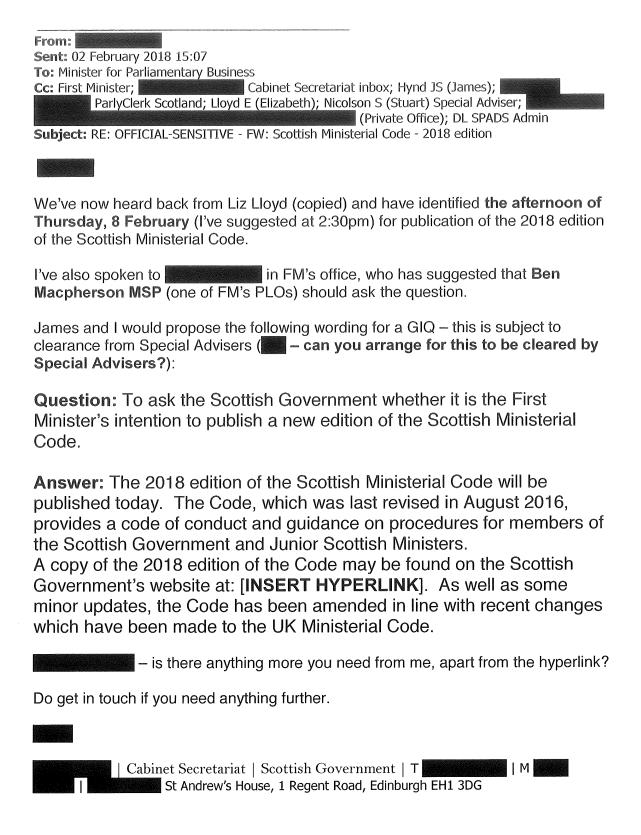
Can we amend below so it explains a bit more what the changes are.

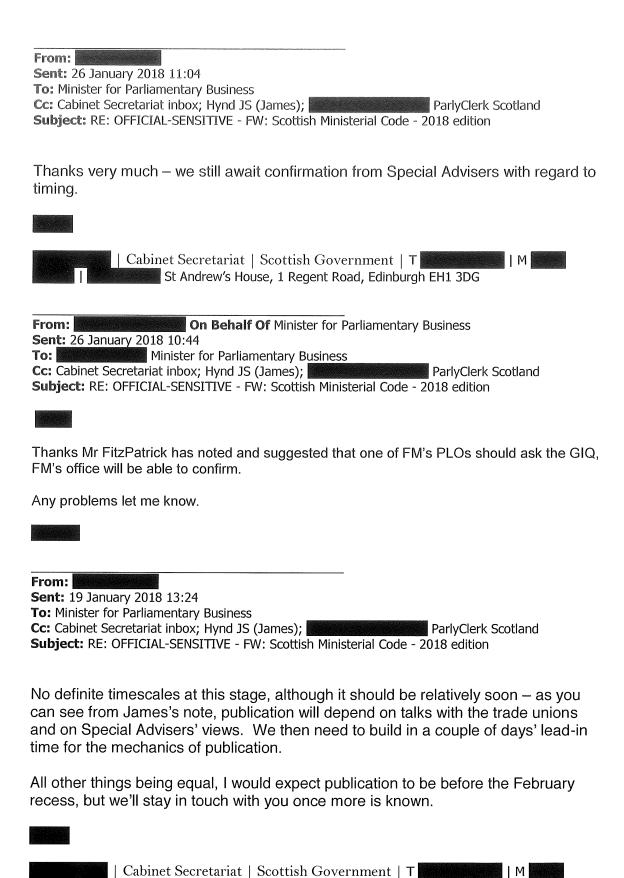
Eg In line with changes to the UK code - additions have been made in respect of meetings with overseas etc, behaviour, whatever else and the code has also been revised to refer to the introduction of the Scottish Lobbying Act.

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:
Mobile:





St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG

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

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

From: Sent: 19 January 2018 13:12

**To:** Minister for Parliamentary Business

Cc: Cabinet Secretariat inbox; Hynd JS (James);

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

PS/Minister for Parliamentary Business

Copies: as above

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,



From: 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); Lloyd E (Elizabeth); 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** 

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

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

Sent: 17 January 2018 16:57

To: First Minister
Cc: Permanent Secretary; DG Constitution and External Affairs; Rogers DA (David) (Strategy and Constitution Director); Lloyd E (Elizabeth); 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

St Andrew's House

Edinburgh

Sent: 06 February 2018 16:00  To:  Cc: Lloyd E (Elizabeth); Somers J (John);  Cabinet Secretariat inbox  Subject: RE: Ministerial Code - Publication
Copy to: Liz, John, for information
James, 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:
Resident Statistics  Ministrial C
Revised Scottish Ministerial Code - 2018 edition - Q-A - 8 February 2018 [dos 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:   [doc 11]
And a copy of James's SCANCE note prepared for FM in advance of today's Cabinet:
[doc 9]
Cabinet Secretariat   Scottish Government   Table   M   M   M   M   M   M   M   M   M
From:
<b>Sent:</b> 05 February 2018 12:16 <b>To:</b>
Cc: Hynd JS (James); Subject: FW: Ministerial Code - Publication

Hi ,	
Just to let you know that my colleague this for internal comms interests.	(cc:ed above) will be leading on
– details below.	
Thanks,	
From: Hynd JS (James) Sent: 05 February 2018 11:50 To: Permanent Secretary;	
; Booth J (John); E (Elizabeth);	(HR); Richards N (Nicola); ParlyClerk Scotland; Lloyo Minister for Parliamentary Business;
<b>Cc:</b> Executive Team; EXECUTIVE TEAM PROGR. Constitution Director); Director Communications  First	
<b>Subject:</b> 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.

l attach a copy of the final text of the revised Code – <u>other than as set out below, the text should not be copied further before publication.</u>

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

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 SpAd clearance.
- Once we have SpAd sign off, <u>Cabinet Secretariat</u> will pass to FM for signoff
- <u>Parly Clerk colleagues</u> have arrangements in hand for lodging and answering the GIQ.

• <u>Cabinet Secretariat</u> and <u>Parly Clerk colleagues</u> 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.
 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, 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

<u>Cabinet Secretariat</u> will draft lines for agreement with Comms and SpAds.

## 5. Scottish Ministers

• On publication, <u>Cabinet Secretariat</u> will circulate copies of the revised Code to Scottish Ministers, including Law Officers.

#### 6. Internal Comms

• 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.

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

St Andrew's House Edinburgh