



The Scottish Parliament
Pàrlamaid na h-Alba

Keith Brown MSP
Cabinet Secretary for Justice and
Veterans

Public Audit Committee
Room T3.60
The Scottish Parliament
EDINBURGH
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By email only

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5 December 2022

Dear Cabinet Secretary,

New vessels for the Clyde and Hebrides: Arrangements to deliver vessels 801 and 802

The Committee considered your most recent correspondence dated 28 November in relation to the abovementioned report at its meeting on 1 December 2022.

We had asked you to revisit the answers you provided to the three questions we posed in our original letter of 29 September. In your letter of 28 November, you indicated that you were content that the responses you provided were accurate and that you did not have any further information to provide.

The Committee finds your responses to be both unsatisfactory and evasive. By way of example, we asked for details of the information that was shared with you by the former Minister for Transport and the Islands, before he went on leave, about the status of the procurement of the ferry vessels, including any concerns. You failed to answer that specific question, referring instead to a submission you received from Transport Scotland when the Minister was on leave. This was not information we asked for, as it is already in the public domain.

The Committee is extremely disappointed by your failure, once again, to provide sufficient answers to the questions we sought to help inform our scrutiny despite our best efforts. Your unwillingness to engage constructively with the Committee is disrespectful to both the Committee and the Parliament.

You will be aware of the requirements placed upon you, as set out in the Scottish Ministerial Code: 2018 edition in relation to Ministerial Conduct including—

- 1.3 (b) Ministers have a duty to the Parliament to account, and be held to account, for the policies, decisions and actions taken within their field of responsibility;
- 1.3 (d) Ministers should be as open as possible with the Parliament and the public, reflecting the aspirations set out in the Report of the Consultative Steering Group on the Scottish Parliament. They should refuse to provide information only in accordance with the Freedom of Information (Scotland) Act 2002 and other relevant statutes.
- 1.6. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions to Parliament and the public.

We now find ourselves in the regrettable position of questioning whether these requirements have been followed in this case.

The Committee is now turning its attention to producing a report of our scrutiny, which will be published in the coming months. I expect we will wish to consider in this report the level of engagement we have had with Scottish Ministers and stakeholders during the course of our work, and how this is reflected in our conclusions and recommendations.

The Committee would consider any further evidence you wish to give. The deadline is **6 January 2023**.

Yours sincerely



**Richard Leonard MSP,
Convener**