



OFFICIAL REPORT
AITHISG OIFIGEIL

Committee on the Scottish Government Handling of Harassment Complaints

Monday 8 February 2021

Session 5



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Pàrlamaid na h-Alba

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**COMMITTEE ON THE SCOTTISH GOVERNMENT HANDLING OF HARASSMENT
COMPLAINTS**

7th Meeting 2021, Session 5

CONVENER

*Linda Fabiani (East Kilbride) (SNP)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Jackie Baillie (Dumbarton) (Lab)

*Alex Cole-Hamilton (Edinburgh Western) (LD)

*Murdo Fraser (Mid Scotland and Fife) (Con)

Alison Johnstone (Lothian) (Green)

*Stuart McMillan (Greenock and Inverclyde) (SNP)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Peter Murrell (Scottish National Party)

Andy Wightman (Lothian) (Ind) (Committee Substitute)

LOCATION

Virtual Meeting

Scottish Parliament

Committee on the Scottish Government Handling of Harassment Complaints

Monday 8 February 2021

[The Convener opened the meeting at 09:00]

Division Between Scottish Government and Party-political Matters

The Convener (Linda Fabiani): Good morning, and welcome to the 7th meeting in 2021 of the Committee on the Scottish Government Handling of Harassment Complaints. Our public business is an evidence session with the chief executive of the Scottish National Party.

There continues to be a lot of speculation about our inquiry, and a lot of that speculation has very little to do with the remit. I remind all those present and watching that we are bound by the terms of our remit and the relevant court orders, including the need to avoid being in contempt of court by identifying certain individuals, including through jigsaw identification.

It is important that I remind all members and all our witnesses that we all have a personal responsibility that includes ensuring that we comply with legal requirements, including the court orders, and reflecting the reason for such court orders in our questioning. The court orders have been made to ensure the safety and wellbeing of the women concerned, as well as to support confidence in the process of bringing forward criminal proceedings or complaints.

Please remember that, in addition to ensuring that in our questioning we do not risk asking things that rerun any element of the criminal trial, we must also ensure that the privacy rights of individuals are respected. We should restrict our inquiries to matters that are necessary to fulfil our remit and we should limit references to private and personal information as much as possible.

Our remit is:

“To consider and report on the actions of the First Minister, Scottish Government officials and special advisers in dealing with complaints about Alex Salmond, former First Minister, considered under the Scottish Government’s ‘Handling of harassment complaints involving current or former ministers’ and procedure and actions in relation to the Scottish Ministerial Code.”

The more we get into specifics of evidence—that is, time, people and cases—the more we run

the risk of identifying those who made complaints. The more we ask about specific matters that were covered in the trial, including events that were explored in it, the more we run the risk of rerunning the trial.

In questions, reference to specific dates and individuals should be avoided, and questions should be phrased in general terms, when possible, to avoid the risk of jigsaw identification of complainants. I emphasise that the committee would be content to receive written supplementary points, should any witness to the inquiry have concerns that their response might stray into that territory.

I welcome back Mr Peter Murrell, the chief executive of the Scottish National Party. I invite Mr Murrell to take the oath.

Peter Murrell (Scottish National Party) took the oath.

The Convener: I invite Mr Murrell to make an opening statement.

Peter Murrell (Scottish National Party): Thank you, convener. As you know, I have provided written evidence on four occasions in the past six months. Exactly two months ago, I answered questions for an hour and a half, and I gave comprehensive answers to all the questions that were asked of me. After I was here on 8 December, the committee sought written clarification on some points of detail, which I provided on 13 January.

It remains the case that the SNP holds no information that is relevant to the complaints made under the Scottish Government procedure. Neither I nor the SNP was involved in any aspect of the committee’s remit. It is therefore not entirely clear to me what more I can add today. However, I am happy to help if I can, and I will answer any questions as far as I am able to.

The Convener: Thank you. We move on to questions, starting with our deputy convener, Margaret Mitchell.

Margaret Mitchell (Central Scotland) (Con): Good morning, Mr Murrell. When you appeared before the committee previously, you confirmed that you have been the SNP’s chief executive for the past 20 years. The committee has heard evidence that the complaints made against Alex Salmond during the development of the complaints-handling procedure led to the former First Minister being included in that finalised procedure.

In your submission dated 2 October 2020, you state:

“Neither I nor my staff were involved in development of the Scottish Government Procedure or the handling of the

complaints made under it. If the Committee has evidence that suggests otherwise, I would be grateful if it could be put to me in order that I can respond—however, I cannot provide material which, because we had no involvement, does not exist.”

Is it still your position that no such material exists?

Peter Murrell: It is.

Margaret Mitchell: In that previous evidence session, you were asked about two text messages sent by you on 25 January 2020, which is the date on which the former First Minister first appeared in court on criminal charges. The *Official Report* lists the texts in full. They include a reference to it being a

“good time to be pressurising”

the police and that

“the more fronts he is having to firefight on the better”.

Your explanation for the texts, which was referred to in your evidence and by the First Minister in Parliament, was that they suggest how upset you were at the time, given that you had been working for the former First Minister for 30 years.

The credibility of that explanation is in question, especially given that you are referred to as chief executive of the SNP three times in material listed at paragraphs 4a to 4f of a High Court ruling of 19 January 2021, which deemed it not to be relevant to an alleged breach of section 11 of the Contempt of Court Act 1981. That material is evidence of your attitude and feelings towards the former First Minister. Is it your position that that material does not—and never did—exist?

Peter Murrell: I am not actually sure what material you are referring to. I am not aware of a court order in that respect, or a court discussion.

Margaret Mitchell: It was material referred to in the High Court’s ruling on a hearing, which took place on 19 January 2021, to consider an application for disclosure in the petition and complaint proceedings raised by the Crown against Craig Murray.

Peter Murrell: I am not aware of that at all.

Margaret Mitchell: Can I ask that you check that? I can refer you to the exact materials. Paragraph 4a refers to a series of written communications between you, as chief executive of the SNP, and another of its senior officials, in which you discussed the purpose of a meeting between an SNP staff member and one of the complainers in the HM Advocate v Salmond trial and you expressed your dissatisfaction at the outcome of the meeting.

There is a communication from another SNP official to you, as chief executive, in which a view was expressed on the progress of the case against Mr Salmond. That SNP official expressed

a view that, if she was told what evidence was needed, she would be able to obtain it. There are also texts between you, as chief executive, and another SNP officer, in which certain views were expressed.

Peter Murrell: I think that you are getting into selective quoting of text messages and discussion of leaks and false allegations. I have not seen the material that you are referring to. Are you drifting into messages between me and a member of staff, which—

Margaret Mitchell: I am drifting—

The Convener: Can I intervene, please, Ms Mitchell? I am not sure that this is within our remit at all.

Margaret Mitchell: It refers to the previous evidence, convener. I am happy for Mr Murrell to go and reflect on what I have asked him today and to get back to the committee about the existence of the texts—[*Inaudible.*]

The Convener: The committee will discuss that and, if we feel that it is within our remit, we can ask Mr Murrell to respond in writing.

Margaret Mitchell: It would be good if we could get an answer from him now. These were all referred to in the *Official Report*, so I see no reason why Mr Murrell should not be asked to confirm or deny the existence of this material, as listed in the High Court hearing on 19 January.

The Convener: I think that Mr Murrell has said that he is a bit confused about what is being discussed, and that he is not quite sure. I think that it is only fair, under the terms of how we operate, to allow the witness to look at the matter and come back to us. If the committee decides that it is within our remit, we shall write to Mr Murrell about that. Is that satisfactory to you, Mr Murrell?

Peter Murrell: Yes, indeed.

The Convener: Have you concluded, Ms Mitchell?

Margaret Mitchell: I have. I only emphasise that I was referring to material that was looked at in regard to the evidence led about a conspiracy theory. Thank you.

Peter Murrell: I am sorry, convener—

The Convener: Yes, Mr Murrell?

Peter Murrell: There was no conspiracy. You need to be careful about selective quoting of messages on social media, leaks and false allegations.

Last week, the committee looked at material and decided that the evidence that it was looking at was not relevant to the committee’s inquiry. On the

two occasions when the complainers' voices have been heard in the committee, by them writing to the committee, they have expressed concern about some of the comments from committee members about these selective messages and suggestions that are made on social media about false allegations.

We need to be very careful about the privacy of the complainers. They all came forward on the basis that their rights and their privacy would be protected and that the judicial system would stand by them and ensure that they were able to maintain anonymity. I think that committee members are drifting into areas where there is an agenda at play. There is a very clear agenda at play in some parts of social media to name the women, and I do not think that the committee or I should be involved in assisting that.

The Convener: Okay. Thank you, Mr Murrell. I have allowed that statement, and that is fine, but it is up to the committee to decide what evidence it feels is relevant and to decide its own actions.

We will end that part there and move on to questions from Alex Cole-Hamilton.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning, Mr Murrell, and thank you for returning to see us. I will ask specifically about the meetings or meeting of 2 April. I have a range of quick-fire questions, so the answers should be a simple yes or no initially, although there might be a need for you to expand. I would like the convener to bring me back in later, if possible.

Mr Murrell, you were clear to us that, even though you are the chief executive of the Scottish National Party and your wife, Nicola Sturgeon, is the leader of the SNP and the First Minister of Scotland, she does not ever discuss Government business with you. That is correct, is it not?

Peter Murrell: It is.

Alex Cole-Hamilton: However, it is unremarkable and presumably relatively normal for you, when you are at home, to discuss party business, as opposed to Government business. You have said as much—you have both hinted at that in media interviews. Given your jobs, that would be impossible to avoid, would it not?

Peter Murrell: It is not as common as you are suggesting. As I think I explained last time I was here, the amount of time that we have together is very limited. If we spend small parts of the evening or the early parts of the morning discussing our work, there is not much space left. We do not re-run things; we try to move forwards.

Alex Cole-Hamilton: When there are big party events and it is critical that they go well—on the eve of a poll or a party conference, for instance—I

imagine that it is quite hard not to discuss them over the breakfast table, as it were.

Peter Murrell: If there is party business to be discussed, it would be discussed at a meeting, which would be attended by more people than just me. That would happen in the normal working day as part of everything else.

Alex Cole-Hamilton: I am just talking about informal chat. However, I will move on.

When you gave oral evidence to us, you told me that the first indication that you and the First Minister had of the Sky News story about Mr Salmond's alleged conduct at the airport

"was an email from one of the SNP's parliamentary press officers."—[*Official Report, Committee on the Scottish Government Handling of Harassment Complaints*, 8 December 2020; c 18.]

Am I right in thinking that, from your point of view, the Sky News story was party business and relevant to your work?

09:15

Peter Murrell: Yes—it was a media inquiry about a former leader.

Alex Cole-Hamilton: In the same vein, if—arising from the events that the Sky News inquiry was about—a complaint had been made directly to the SNP about Mr Salmond's alleged conduct, that would also have been party business.

Peter Murrell: The committee has sought evidence from an individual who was alerted to the incident at Edinburgh airport, and that has been provided to the committee.

Alex Cole-Hamilton: I ask that you answer the question. If a complaint is made to the party, you do not give it to anybody else; the party has to deal with it through the processes that you outlined last time. Is that correct?

Peter Murrell: Any inquiry is looked at, thought through and actioned.

Alex Cole-Hamilton: [*Inaudible.*]—party business. That is helpful.

In your third piece of written evidence, you told the committee that, on the evening of Sunday 1 April 2018, the First Minister told you that Mr Salmond would be visiting your home and that you

"had the sense that something serious was being discussed. Nicola told me she couldn't discuss the details. The nature of Nicola's job means that when she tells me she can't discuss something, I don't press it."

Is that still your position?

Peter Murrell: I think that you are conflating two different conversations. On the Sunday evening, Nicola mentioned that Alex would be popping in—

coming into the house—the next day. The latter comments that you mention were made after the meeting had taken place.

Alex Cole-Hamilton: My apologies; I should have been clearer in my questioning. You are quite right—that was a statement after the fact.

Again, when you gave evidence last December, I asked you a question about whether, when she spoke to you, the First Minister might have given you an idea of what was said at the meeting. I will ask you about an aspect of your answer. The *Official Report* records the first part of your answer as:

“I will try to set out what happened. Given that other individuals were there, what was triggered in my head was that the Sky News inquiry was perhaps coming back. She said that it was not and that she could not discuss what the meeting was about. That is the point from which I did not probe any further.”—[*Official Report, Committee on the Scottish Government Handling of Harassment Complaints*, 8 December 2020; c 34-35.]

Obviously, that was after the fact, too. On 1 April, is it right to assume that you inferred that the meeting the following day was not about the Sky News inquiry or anything else that might be party business, because otherwise she would have mentioned why Mr Salmond was coming?

Peter Murrell: It was limited to the fact that Alex was popping in—it could have been about anything. That was not an unusual event; he was just popping in.

Alex Cole-Hamilton: Okay. Therefore, it is reasonable to believe that, if Nicola Sturgeon thought that the meeting was a matter of importance to the party, she might have shared that with you on the night before, on 1 April.

Peter Murrell: Not necessarily; he was popping in. I do not think—

Alex Cole-Hamilton: I understand—

Peter Murrell: [*Inaudible.*—any further and—[*Inaudible.*—of it, so I did not ask.

Alex Cole-Hamilton: I understand; okay. The First Minister did not tell you what she thought it was going to be about. Do you think that that is because she knew that it would be about Government business—specifically her Government’s investigation into Alex Salmond—and absolutely nothing to do with party business?

Peter Murrell: As, I think, we also covered two months ago, the only view that counts is Nicola’s, and she will be before you next week. It is not for me to speculate on or determine the nature of things that I was not involved in. She will be here next week and you can ask her what she thought the position was going into the meeting.

Alex Cole-Hamilton: I understand and fully accept that.

I have a final question for now. My questions have all been leading up to this matter, because it does not sit well with me. In her written evidence to the committee, Nicola Sturgeon said that, prior to the meeting on 2 April, she thought that

“Mr Salmond might be about to resign from the SNP”,
and that

“As Party Leader, I considered it important that I knew if this was in fact the case in order that I could prepare the party to deal with what would have been a significant issue.”

That was her view before 2 April.

You are chief executive of the SNP. Surely nobody prepares your party for anything that big without your involvement—particularly if they share a house with you.

Peter Murrell: Nicola is the leader of the party, and what she tells me is really a matter for her to decide.

We went through this issue on 8 December, and you referred to how the Liberal Democrats manage their media operations. As I think that I said at the time, in Government, you deal with things when they arise. The same is true of the party. When things come to the fore, we deal with them at that point. We do not deal with things in advance; we deal with them as they come down the track at us. That is just the way of it; that is just how it works.

Alex Cole-Hamilton: Thank you for that. However, again, I really struggle with that. Yes, it is the case that, in the cut and thrust of a life in politics, you and the First Minister must often pass like ships in the night and not want to talk about politics, and I can understand that you do not readily embrace the topic of party business. However, the matter was not about run-of-the-mill party business; it was potentially one of the biggest blows to befall your party in its history. One of its most celebrated and successful leaders was on the point of resigning and potentially taking a huge faction of members with him.

If Nicola Sturgeon attests that that was her principal concern for what the meeting was going to be about, I do not find it credible that she would not have discussed that with you, as chief executive, even just to take your mind on it and get advice.

Peter Murrell: At that point, Nicola had not spoken to Alex. She did not speak to him until that day. Therefore, he knew what he planned to say to her, and—as she set out in her evidence—she thought he might be about to resign from the party.

However, until the conversation took place, she did not know what the situation was.

Alex Cole-Hamilton: Husbands and wives share things; partners share things. If the roles were reversed and something that big happened in my party, I would feel a knot in the pit of my stomach about it and would want to speak to my wife about the anxiety that I had as I thought, “Oh my goodness! There is an iceberg coming for our party and we need to game out what we are going to do.” I am sorry, Mr Murrell, but I just—*[Inaudible.]*

Peter Murrell: I think that you are approaching it from a position of—anyway, that is by the by.

Nicola will be here next week, so you can ask her what she thought in advance of that meeting and afterwards, and about what happened at the meeting. However, I can tell you only what I knew, which is that Alex was coming to the house, and that was all that I knew at the time.

The Convener: Mr Cole-Hamilton, you have had quite a stretch of questions. I do not know whether I will be able to bring you back in, because we are a bit short of time. I will do my best.

Murdo Fraser (Mid Scotland and Fife) (Con): I want to try to clarify some issues that arose from the evidence that you gave on 8 December.

To put this in context, you will be aware that the committee is trying to get to the truth of some very serious matters that relate to complaints made by women in the Scottish Government who have been treated very badly and still have not had any satisfaction in relation to the complaints that they made due to failures in the Scottish Government. To try to achieve that, all the witnesses who are speaking to this inquiry are giving evidence under oath. As you know, that is very unusual in a parliamentary inquiry. However, the purpose of the oath is very clear. Indeed, it is a criminal offence to give false information under oath under section 44(1) of the Criminal Law (Consolidation) (Scotland) Act 1995, which states:

“Any person who—

(a) is required or authorised by law to make a statement on oath for any purpose; and

(b) being lawfully sworn, wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true,

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding five years or to a fine or to both such fine and imprisonment.”

I mention that because it puts into context the importance that the evidence being given to the committee is accurate and truthful.

I go back to the issue of the meeting on 2 April that was held in your home between the First Minister and Mr Salmond. On 8 December, when I asked you about that, you said:

“I was not at home and I was not aware of the capacity in which she was having those meetings.”

You then repeated that. You said:

“I was not at home during either meeting.”

You were referring to the meetings on 2 April and 14 July. You then said in relation to Mr Salmond:

“I was not really aware that he was coming to the house on the first occasion”.

You were referring to the 2 April meeting in that instance.

However, in that evidence session, in response to questions from Andy Wightman, you subsequently said that you knew in advance—the day before—that the meeting was going to happen. When Mr Wightman asked you whether you were at home on 2 April, you said:

“I arrived home not long before the meeting ended.”—*[Official Report, Committee on the Scottish Government Handling of Harassment Complaints, 8 December 2020; c 11, 12, 32.]*

You have given the committee—under oath—two different accounts of the meeting of 2 April in relation to your knowledge of the meeting in advance and whether you were in the house. Can you tell us which of the accounts is true and which is false?

Peter Murrell: As I think that I made clear at the time, I was not at the meeting and I did not know what the meeting was about. I happened to arrive home just before the meeting finished. I came in the door and acknowledged the people who were in one room; I did not see Alex or Nicola at that point. I went upstairs to change. By the time that I had done that, they had left. I was not at home.

As I think that I have made clear several times now, Alex being in the house was not uncommon, and I really did not know what the meeting was about in advance. When you are giving evidence and being questioned in this fashion, it is difficult to go back to the point of what I knew when, and to take it back to what I know now as opposed to what I knew then.

I think that I was trying to refer to the fact that now we know—because there are bits of evidence that suggest it—what the meeting was about, but back then I did not know any of that. I was trying to explain the situation that was occurring at that point, which was that I did not know what the meeting was about and did not really know that there was going to be one. Additional people were in the house who I did not expect to see. I think that I was referring to that kind of situation. I had

come home. I had expected, I think, that Alex would be gone; I think that the meeting was meant to happen earlier, but he was late. People were present who I did not expect. That was the situation that I explained to Mr Wightman at that point.

Murdo Fraser: When you told me in response to my question—that is, in giving evidence to me under oath—that you were “not at home” during the meeting and when you told me that you were “not really aware” that Mr Salmond was coming to the house, you were giving us false information, having sworn an oath to tell the truth.

Peter Murrell: No, because I was not aware that the meeting was for a purpose; I thought that he was popping in for a chat about any matter. I had no awareness of the fact that it was a meeting for a purpose; I thought that he was just coming in for a catch-up with Nicola. It is pretty simple. I think that you are trying to suggest things or knowledge that I just do not have about those things.

Murdo Fraser: I am trying to suggest that you have made an untruthful statement to the committee, which is self-evident.

Peter Murrell: I do not think so. [*Inaudible.*]

Murdo Fraser: [*Inaudible.*]—you told me—
[*Inaudible.*]

Peter Murrell: [*Inaudible.*]—I was not at the meeting—[*Inaudible.*]

The Convener: Excuse me. Please stop, because one voice is interfering with the other. I ask you to make your statement again, Mr Fraser, then we will go to Mr Murrell to make his.

Murdo Fraser: I quote column 11 of the *Official Report*. When I stated:

“You were not in the house at the time.”

You said:

“I was not at home during either meeting.”—[*Official Report, Committee on the Scottish Government Handling of Harassment Complaints, 8 December 2020; c 11.*]

That was a false statement. Yes or no?

Peter Murrell: I refute—

Murdo Fraser: Yes or no, Mr Murrell? It is not a difficult question.

Peter Murrell: Well—

Murdo Fraser: Was that a false—

The Convener: Please let Mr Murrell answer, Mr Fraser.

09:30

Peter Murrell: I have no idea how long the meeting lasted. I was not there for any part of the meeting. I happened to arrive home just as the meeting was finishing. That is all that I can say. It is not complicated. I absolutely refute what is being suggested. I just happened to arrive home as the meeting was ending.

Murdo Fraser: You might be refuting what is suggested, but you are refusing to answer a very simple question, which is whether your statement to me on 8 December, made under oath, that you were “not at home” during the meeting, is true. I will ask you again. Is that statement true: yes or no?

Peter Murrell: I was not at the meeting.

Murdo Fraser: That is not the question that I am asking you.

All right. Let me move on, as we are getting nowhere here.

The Convener: Yes—please do, Mr Fraser.

Murdo Fraser: I wish to ask you about your understanding of the capacity in which that meeting was held. We have seen the written evidence from the First Minister. She was clear that the meeting held was not on Government business. She took no action consequent to the meeting. When we heard from John Somers, the principal private secretary to the First Minister, he said that the meeting had not been in the ministerial diary. The Scottish ministerial code makes it clear at paragraph 4.23 that, if it had been a Government meeting, a note should have been prepared and passed back to the private office—and that did not happen.

In your evidence to me on 8 December—I quote again from the *Official Report*, at column 13—you were clear that what was being discussed at that meeting was “A Scottish Government matter.” Is that still your position?

Peter Murrell: My evidence was reflecting my impression. It is not for me to speculate on the basis or nature of the meeting; that is a matter for the First Minister. She will be here next Tuesday, and you can ask those questions. Her decision on the nature of the meeting is the only thing that matters. You should ask that witness the question.

Murdo Fraser: We will.

Peter Murrell: Otherwise, it is merely speculation on my part.

Murdo Fraser: We will ask, Mr Murrell.

Peter Murrell: [*Inaudible.*]—with the interpretation of her written evidence on the matter. I read it, and I was clear on 8 December as to what my interpretation was.

Murdo Fraser: Yes, indeed. You told me that it was a Scottish Government meeting. We will ask the First Minister—

Peter Murrell: But I did not—[*Inaudible.*]

Murdo Fraser: [*Inaudible.*]

Peter Murrell: [*Inaudible.*—did not say that.

The Convener: Stop again, please, both of you. Mr Fraser, we are rapidly using up all the time, and other members wish to speak. Please articulate your last question, to which Mr Murrell should then respond.

Murdo Fraser: I have a simple question. Mr Murrell has said several times that it is not for him to speculate on the nature of the meeting. He did not just speculate, however; he was definitive in response to a question from me on 8 December. I asked about the meeting, and he said that it was “A Scottish Government matter.” He has already set out a view on it; all that I am asking is whether he stands by the view that he set out to us, under oath, on 8 December.

Peter Murrell: As I have already said, it was speculation on my part, having read the First Minister’s evidence. We now know the matter that was raised at that meeting, which was to do with complaints, and those complaints were under Scottish Government procedure.

Murdo Fraser: I am afraid, Mr Murrell, having called you back to try and clarify your evidence, that you are not helping us one little bit. You have not clarified anything, frankly.

The Convener: We will move on.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Mr Murrell, although I have some sympathy with your point that the committee should not be trawling through the lives of the women concerned, I would like to ask you about an email, the text of which you have provided to the committee since your previous appearance. It was sent on 27 August 2018, by the First Minister in her capacity as party leader, and was about the position that the party was going to take in relation to Mr Salmond.

The email sets out that the party could not suspend or expel Mr Salmond from party membership at that time, for two reasons. The first was that the permanent secretary’s investigation, which had upheld sexual harassment allegations against him, had not been conducted by the party. The second was that what limited information the First Minister had about the complaint against Alex Salmond could not be shared with the party for legal reasons. Before I move on, have I got that correct?

Peter Murrell: That is the text of the email—yes.

Dr Allan: In that case, why was the email sent? Were there calls within the party that action should be taken against the former First Minister in light of reports that the Government had received a complaint?

Peter Murrell: There were multiple media inquiries and Opposition calls for him to be suspended from the party, at that point.

Dr Allan: On a related issue, I am assuming that there was a wish to reassure the party’s wider membership that, irrespective of the situation with Mr Salmond, the party was going to take action to stand up for those who had experienced sexual harassment. Was there a sense among party leaders that there was a need to provide members more generally with reassurance on that wider issue?

Peter Murrell: Yes. We also saw that last week, when some of the women whose messages had been shared with the committee then issued a statement. Any discussion in the public sphere of allegations of sexual harassment has a massive impact on complainers—not just in the specific case, but in a wider sense in the community. I noticed that one of the helplines had opened up—I think that it was last Tuesday evening—because any discussion about sexual harassment in the public sphere sparks concern and distress for women who have experienced it in all sorts of aspects of their work or personal lives.

There was that wider sense, and the party was aware that the public profile of the complaint at that time would spark wider concern about historical sexual harassment. It was felt that we needed to ensure that the SNP was seen to have ways in which people could share such information, or could seek help if they were distressed. That is quite an important thing for organisations to do when sexual harassment is in the public conversation.

Dr Allan: You mentioned that there was a “public conversation” about such issues. By that point, the Government and the Parliament were moving to take the allegations of sexual harassment seriously. Was the purpose behind the letter the need to indicate that the party was—I do not want to say “catching up” with them—aware of those developments?

Peter Murrell: That was a repeat, of course, of earlier evidence. The same information had been shared much earlier, back when the #MeToo movement was first in public conversation, in the latter part of 2017. We shared the information again at that point because the subject was back in the news.

Dr Allan: This is my final question, convener. Mr Murrell, you have recently added the text of that email letter to your evidence. If it is relevant to

our remit, do you recall whether there were responses to it? If so, did they say anything of significance?

Peter Murrell: I do not think that the responses were to that email. I believe that a similar question was asked of the Government, and I think that the fact that there was public conversation about the complaints about Mr Salmond that had appeared in one of the newspapers sparked a number of them to come forward in the Government sphere. If I recall correctly, I think that there was a suggestion that it was not just about Alex Salmond.

Such information tends to generate different responses. However, in relation to the SNP, I am not aware that things came to us straight after that email going out.

Jackie Baillie (Dumbarton) (Lab): Good morning, Mr Murrell. When you gave evidence to the committee on 8 December, I asked about the existence of other text or WhatsApp messages concerning the allegations that had been made about Alex Salmond. You will recall that the committee saw two of those messages between you and an officer of the SNP. In response to my question about whether those messages existed, you said:

“No—not that I am aware of.”

Is that correct?

Peter Murrell: I am just looking at that section of the meeting. You asked whether there was any “relevant information”, and I said that there was not. There still is not.

Jackie Baillie: No—I did not ask about “relevant information”; I asked whether there were any text messages that related to the allegations that were made about Alex Salmond. I was very clear about that. In fact, I pursued you over several questions asking whether there were any other messages.

Peter Murrell: At column 24 of the *Official Report* of the oral evidence, you say:

“no other relevant information was found. Can you repeat that under oath?”

In response, I said that there was no other relevant information.

Jackie Baillie: With respect, Mr Murrell, that is not the only point at which I asked you that.

You stated to the committee that you had consulted senior officers about evidence being provided to the committee. Is not it the case that there were some messages involving you and those senior officers?

Peter Murrell: I will roll back to the beginning. The letter that the committee sent to me in July,

setting out the remit for the inquiry, said that evidence to be submitted should fall within the remit of the committee’s inquiry. In the committee’s next letter to me, you asked that I confer with staff about whether there were any relevant messages, so I did that; I approached every member of staff and asked whether they had anything that was relevant to the remit of the inquiry. The answer from all the staff was that there were not any relevant messages. That is still the position today.

Jackie Baillie: Let me take you back to your evidence to the committee. I said:

“I mean in relation to the allegations about the former First Minister, Alex Salmond.”

In response, you said:

“And what? Sorry.”

I then said:

“Let me go back. The text messages that you sent, which we have seen, were to your chief operating officer. I am asking whether there were other text messages to any other party official on the same subject.”

In response, you said:

“No—not that I am aware of.”—[*Official Report, Committee on the Scottish Government Handling of Harassment Complaints*, 8 December 2020; c 24.]

The question was not about relevant documentation or the committee’s remit. It was very clear, and you responded, “No”. Are you saying that that testimony is correct?

Peter Murrell: You are saying that it is clear, but I would say that it is confused. Did you mean the same party official or any other party official? You say, “any other party official”; you do not say, “the same party official”.

I asked the staff whether there were any messages that were relevant, on the basis of the committee’s remit, and the message that came back was they did not have any messages that were relevant to the remit of the inquiry. That was the basis on which I asked the question. If you are now saying that I should go back and ask them whether they have any messages at all, that is a different matter. I asked them whether they had any messages that were relevant to the inquiry, because that is what the committee asked me to do. You have a remit and—

Jackie Baillie: Mr Murrell, I am very aware—

The Convener: Excuse me. Again, could you stop talking over each other? Have you finished that response, Mr Murrell?

09:45

Peter Murrell: I have just looked out annex A of the committee’s papers, which says that

“all evidence submitted should fall within the terms of the remit of the Committee’s Inquiry”.

That is very clear, and the remit is just above it. That is the document that we shared with staff—*[Interruption.]*

The Convener: Ms Baillie, wait a minute.

Jackie Baillie: Convener, I think that people who are watching will see that Mr Murrell is dancing on the head of a pin. He made no such caveats to his evidence previously, and I think that this is becoming quite obstructive to the work of the committee.

Can I try again? There were messages between senior SNP officers, dated 28 January 2019. They concerned Mr Murrell and a senior officer. They say that an officer returned from a meeting with the complainer and reported back, and then you texted the senior officer to complain about the other officer’s attitude not being forceful enough to achieve the objective of having her make a police statement. You were clearly angry with him. Do you recognise that, Mr Murrell? Did you send that message? How does that sit with your previous evidence to the committee that there were no more messages?

Peter Murrell: I think that there is a danger in pulling material from social media, selectively quoting information, leaking and making false allegations. That is not the context of that message. Again, we are drifting into an area where we are invading the privacy of someone to whom we know we have already caused a great amount of stress, in the probing of messages, so—

Jackie Baillie: I will interrupt and make it abundantly clear that I am not invading anybody’s privacy, Mr Murrell. I have not named anybody and I have not given their job title, so I caution you to be careful that you do not do so in your testimony.

The Convener: I say to both of you—after which we can go back to Ms Baillie—that it is for the committee to decide what it thinks is and is not within its remit. That said, Ms Baillie, perhaps it would be useful if you could say why you believe that to be within the remit of the committee.

Jackie Baillie: Convener, as you know, that is based on previous evidence from Mr Murrell and I want to test that evidence. It is based on his own words to the committee and, given that he has already testified to us on those issues, I do not think that interrupting that flow is helpful. I wonder whether I could move on.

The Convener: Yes—I am aware of the time.

Jackie Baillie: I will take one of your text messages about the Crown Office and Procurator

Fiscal Service that you said was sent on 26 January 2019. I think that in evidence, you told us that you were told about that matter in September 2018. How did you become aware of a complaint from the Crown Office and Procurator Fiscal Service? You have told us when but not how you became aware of it.

Peter Murrell: Let me scan back. When the committee wrote to me on—when was it?—23 December, I was asked when I first became aware of a potential complaint from London. I was aware that there were complaints from someone in London, or about events in London.

Jackie Baillie: How did you have that awareness? Who told you?

Peter Murrell: Between the point at which it became public knowledge that there were complaints under Scottish Government procedure against Alex Salmond, all the way through to the point at which he was charged and appeared in court, there was clearly a lot of speculation. A lot of information came to the SNP and was circulating.

At some point over that journey—and as we talked about at my previous oral evidence session—a small number of complaints came through the independent process that we had established for complaints. On top of that, there were other concerns that perhaps went straight to the police, and other concerns that did not go to the police or to us. We were aware of lots of information coming forward—there were lots of different complaints coming forward, and concerns were being raised with people.

Jackie Baillie: Can I push you on this point? I went back and checked my diary, as I promised to do. I have done a newspaper and broadcast search. That fact about the Crown Prosecution Service was not in the public domain until after Mr Salmond’s criminal trial had concluded. Can I press you, then? How did you know? I am asking specifically about the Crown Prosecution Service.

Peter Murrell: I am not really sure that I had direct knowledge of—

Jackie Baillie: It was—

Peter Murrell: What you are selectively quoting from text messages, I think—

Jackie Baillie: I am sorry—I am not “selectively quoting”, convener. I am quoting Peter Murrell’s text message about the Crown Prosecution Service.

Peter Murrell: Again, you are asking me to get into the privacy of people who have complained to the SNP or who have complained directly to the police—

Jackie Baillie: I am not asking you to do that; I am asking you how you knew.

Peter Murrell: You are asking me to do that—that is exactly what you are doing. You are asking me to invade the privacy of someone who had complained to the police about activity in London. You are asking me to invade their privacy and to talk about their situation.

The Convener: If I could intervene here, are you saying that you cannot answer that question because it would invade someone's privacy? Is that what you are saying?

Peter Murrell: Yes. All the discussion about text messages and messages involving the women is invading their privacy.

Jackie Baillie: This is not about involving the women, convener; it is about a message from Mr Murrell himself.

Let me move on because, clearly—

The Convener: Yes. Can you come to a close please, Ms Baillie?

Jackie Baillie: This is my final question.

May I ask, Mr Murrell, whether there is anybody in the room with you, because you keep looking off to the left?

Peter Murrell: “Off to the left”?

Jackie Baillie: Yes. Is there anybody in the room with you just now?

Peter Murrell: No. Do you want me to move the camera about and prove it?

Jackie Baillie: No. I just wondered.

Peter Murrell: Is that a conspiracy that you are suggesting?

Jackie Baillie: No—not at all.

The Convener: Okay. Can we move on, please?

Peter Murrell: There is a magpie outside.

Jackie Baillie: Excellent.

Peter Murrell: In fact, there are two.

The Convener: I am glad that there are two; it is unlucky if there is only one.

Can we, please, move on? We have to bring the meeting to a close very soon. We now have questions from Stuart McMillan.

Stuart McMillan (Greenock and Inverclyde) (SNP): Mr Murrell, at your previous appearance in front of the committee, you discussed the fact that the SNP process for dealing with cases of sexual harassment had “not changed” and that you had

put in place new procedures for complaints to be reported.

You also said that, in order for any type of change to be made, it would have to go before the SNP conference. Since your last appearance before the committee, have there been any discussions about changes to the rule book, now that the party has a new national secretary?

Peter Murrell: I think that the new national secretary is looking at the area. There are aspects of constitutional changes that were discussed in 2018 that have not yet been implemented. I know that the matter is under active consideration; the complaints procedure will be looked at and, I think, refreshed in fairly short order. As I think I set out last time, the process for that would involve going to party conference, with constitutional amendments being tabled and voted on by delegates.

Stuart McMillan: Is that work currently under way?

Peter Murrell: Yes. The new national secretary is looking at that. I expect a new members' code of conduct and a new disciplinary process—or, at least, a refreshed disciplinary process—to come to conference at some point.

Stuart McMillan: As the chief executive of an organisation that, like others, has to handle complaints about sexual harassment, I am sure that you will agree that it is crucial that complainers are at the heart of complaints procedures and inquiries about complaints procedures. How have you ensured that that is the case in the Scottish National Party?

Peter Murrell: It is vital that complaints are treated as confidential and that, if people want to come forward anonymously, we protect their anonymity. It is about organisations having basic good standards of operation. It is imperative that people have confidence in complaints systems and that complaints are advanced in good order.

Stuart McMillan: Do you want to add anything else on the SNP's complaints and harassment procedures?

Peter Murrell: I do not think so.

The Convener: There are no further requests to speak and we are almost at the close of our meeting.

Oh, that is typical. The minute I said that, a request came in. This will have to be the final question.

Dr Allan: Thank you, convener. I want to briefly ask about something that other members have alluded to.

At your previous appearance before the committee, you told us that you were aware that the First Minister was going to meet Alex Salmond on 2 April—other members have rehearsed that. You have said that you had drawn conclusions on what the meeting would be about, but that you did not know for certain whether it would include anything out of the ordinary. You just told us that it was your view, after the meeting concluded, that serious matters might have been discussed but that it was not your place to find out the meeting's contents. Will you summarise what your understanding of the meeting was prior to it taking place and after it had taken place?

Peter Murrell: Prior to the meeting, I had no understanding—I did not know what the basis of the meeting was. However, there were people there who I was not expecting to be there and we had had a media inquiry the previous year about a complaint relating to Edinburgh airport, so afterwards I thought that it might have something to do with that. That is when I approached Nicola and asked whether it was about that. She said that it was not and that she could not talk about it. That is the sum total of my knowledge about it.

The Convener: Thank you, Mr Murrell, for coming back to give us more evidence. I close the meeting.

Meeting closed at 09:58.

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