



OFFICIAL REPORT
AITHISG OIFIGEIL

Committee on the Scottish Government Handling of Harassment Complaints

Tuesday 8 December 2020

Session 5



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

17th Meeting 2020, 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)

*Angela Constance (Almond Valley) (SNP)

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

Alison Johnstone (Lothian) (Green)

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

*attended

THE FOLLOWING ALSO PARTICIPATED:

Peter Murrell (Scottish National Party)

Andy Wightman (Lothian) (Green) (Committee Substitute)

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Committee on the Scottish Government Handling of Harassment Complaints

Tuesday 8 December 2020

[The Convener opened the meeting at 10:16]

Complaints Handling

The Convener (Linda Fabiani): Good morning, and welcome to the 17th meeting in 2020 of the Committee on the Scottish Government Handling of Harassment Complaints. Our public business is an evidence session on the division between Scottish Government and party political matters. 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 contempt of court by identifying certain individuals through jigsaw identification. The committee as a whole has agreed that it is not our role to revisit events that were the focus of the trial, because that could be seen to constitute a rerun of the criminal trial.

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’ procedure and actions in relation to the Scottish Ministerial Code.”

The more we get into specifics of evidence—times, people, cases and so on—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.

Reference to specific dates and individuals should be avoided. 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 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.

Alex Cole-Hamilton (Edinburgh Western) (LD): Convener, Mr Murrell’s microphone is out of

position, so his sound might not be being picked up.

The Convener: Oh, yes—I thought that Mr Murrell was just being very softly spoken.

Peter Murrell (Scottish National Party): As ever.

The Convener: Thank you, Mr Cole-Hamilton.

We will move straight to questions from members of the committee. The first questions are from our deputy convener, Margaret Mitchell.

Margaret Mitchell (Central Scotland) (Con): Good morning, Mr Murrell. You have been chief executive of the SNP since 1999. The party’s code of conduct states:

“Every member owes a duty to ... refrain from conduct likely to cause damage to or hinder the Party’s proper pursuit of its aims”.

Would such conduct include bullying and harassment, including sexual harassment?

Peter Murrell: I actually started as chief executive in 2001.

Yes—it would.

Margaret Mitchell: During those 20 years, Nicola Sturgeon was Deputy First Minister from 2007 till 2014, and the minister to whom the permanent secretary would report, under the fairness at work process, regarding misconduct complaints and concerns about, for example, bullying and sexual harassment. She has been First Minister from 2014 up to the present. During that time, were you aware of any complaints or concerns about Scottish National Party members who were ministers or by SNP members who were civil servants, Government officials, special advisers or people who were employed in some capacity by the Parliament?

Peter Murrell: I was not.

Margaret Mitchell: You were not—so no concerns were raised with you by Nicola Sturgeon about any of that.

Peter Murrell: That is correct.

Margaret Mitchell: In its submission to the committee, the FDA said:

“In reflecting back on the last 10 years we are aware of approaches on behalf of around 30 members in relation to at least 5 Ministerial Offices ... A number of these approaches were resolved through mediation and formal resolution.”

We know from the evidence of Leslie Evans, the permanent secretary, that a number of those concerns were about bullying and harassment. We are obviously talking about the SNP offices of SNP ministers. Do you consider that it was a failing in

the party that you were apparently unaware of any of that going on?

Peter Murrell: Those would have been Scottish Government complaints that were being processed, not SNP complaints. The SNP was not aware of any complaints at that time.

Margaret Mitchell: Is it not strange that even though we are talking about SNP Government ministers—it is true that they have a Government role, but they are, first and foremost, members of the SNP—you, as chief executive of the party, and, apparently, the First Minister were absolutely oblivious to that?

Peter Murrell: I can only speak for myself; I was not aware of any complaints.

Margaret Mitchell: In that case, I will move on.

An email from Nicola Sturgeon, as party leader, was sent to all the SNP elected representatives and staff members on 31 October 2017. In it, she stated:

“Today I have instructed that we put in place an additional confidential, independent route to raise concerns, ensuring women in particular have the confidence to raise any concerns.”

Was that issue discussed with you before the email was sent? Were you involved in the drafting?

Peter Murrell: Yes, it was discussed with me, and yes, I was involved in the drafting.

The timeline at that point was that, the previous week at Westminster, allegations had been made against some members of Parliament about sexual misconduct, and there was an atmosphere in which all political parties were looking at their processes. I think that some United Kingdom parties changed their processes the week before.

On the Sunday—that is, Sunday 29 October 2017—the *Sunday Herald* ran a story about allegations of sexual misconduct at Holyrood. The following day, as I think she said in that email, Nicola had written to the Presiding Officer to ask for a meeting of all party leaders at Holyrood. That morning, I contacted one of the firms of solicitors that we used to ask whether it had a solicitor who could act as an independent mechanism for reporting, so that the historical situation, whereby one member of staff at headquarters would gather complaints and liaise with the national secretary, who deals with SNP complaints, could be supplemented by someone else who could be seen to be more independent. That way, there would be an internal process and the usual person—the single point of contact at headquarters—would take on that job if somebody chose to take the internal route, but if they preferred to take an independent, external route to report their concerns that would then come back to

the national secretary, that option should be made available.

Over the course of the Monday, we put that arrangement in place, and on the Tuesday we issued the email on behalf of Nicola Sturgeon to elected members at Holyrood and Westminster and to all staff.

Margaret Mitchell: My only comment would be that it was 2017 before the issue even appeared on the SNP’s radar, let alone the First Minister’s radar.

Peter Murrell: The #MeToo movement of that autumn was circling the world, effectively. Therefore, in the western world, lots of organisations, including political parties, were putting in new arrangements for reporting concerns. The previous week, at Westminster, Theresa May was having to deal with allegations involving Conservative members, and there were some suggestions regarding Labour members as well. On the Sunday, there was suggestion here at Holyrood that there was some inappropriate behaviour happening in this Parliament. At that time, there was lots of activity around the world, and in UK politics, about allegations of historical sexual misconduct.

Margaret Mitchell: During your 20 years as chief executive, and specifically during the period that our committee is looking at, from 2007 to the present day, did you ever have occasion to have discussions with the police, speak to the police informally or take any action in relation to any party members, or were you aware of any action having been taken?

Peter Murrell: None whatsoever.

Margaret Mitchell: Were you aware that on the same day as that email was sent, 31 October 2017, the Cabinet had issued instruction to the Scottish Government’s permanent secretary to review policies and procedures to deal with harassment?

Peter Murrell: I had no awareness of that at all.

Margaret Mitchell: Finally, you state in your evidence that a media enquiry was made to the SNP in November 2017 regarding an incident at Edinburgh airport, so you were aware of that at the time. What action did you take as a result of receiving the media inquiry in 2017?

Peter Murrell: The inquiry came in in the early evening of that day, and I think that Nicola and I were going to an event shortly thereafter. In her evidence, she sets out what action she took, which is the action that the SNP took at that time to enquire about the matter.

Margaret Mitchell: With whom did you inquire? Could you elaborate?

Peter Murrell: Mr Salmond. I have read Nicola's evidence, and it is there.

Margaret Mitchell: Was that the first time that you were made aware of the incident?

Peter Murrell: Yes, it was.

Margaret Mitchell: Were the police involved at that point? Did you or anyone else in the party have occasion to talk to the police?

Peter Murrell: No.

Angela Constance (Almond Valley) (SNP): At the end of this process, the committee will write a report. In the report, I hope that we can make some recommendations about how the Scottish Government can handle complaints much better in the future.

You are chief executive of Scotland's largest party, and we lead this Administration and a range of local authorities, and we have members in both the UK and Scottish Parliaments. I will ask you a few questions about how we can make sure that complaints are handled in the right place, in the right way and at the right time. In your view, in which situations should complaints about elected politicians be taken forward with their political party or their respective organisation, whether that is Government, local government or Parliament?

Peter Murrell: The Parliament here has had two reports that have looked at the matter, and the main thing is the complexity of the employment legislation that is in place. The Parliament has many employers and many different people working in it, and it is the same at Westminster. There has been some discussion about there being an independent investigatory body, but it is difficult to see how that would work. Each institution has to have its own processes and procedures in place to deal with allegations of misconduct. Another way of dealing with allegations would have to be independent of those processes, but they would still have to exist, because people have employment rights and the ability to raise their concerns in that framework.

10:30

Angela Constance: Do you see the complaints processes of political parties as being entirely separate from those of Governments and Parliaments, or are referrals needed in some situations? Will you talk us through what would happen if, in theory, you as chief executive got a complaint about a councillor or a parliamentarian that potentially raised an issue for the party and for the organisation that someone served in?

Peter Murrell: In the SNP's rulebook, which I copied to committee members as part of my first submission, different standing orders apply to

councillors, MSPs and MPs. There is a disciplinary process. The group could take action against a member of Parliament or a councillor, or it could refer matters to the national secretary for investigation. Those options exist in the SNP's rulebook. On top of that, someone in a council or a Parliament could go through the processes that are in place in that institution.

The options are there for people. Everybody has a right to go to the police—depending on what the issue is—if they think that a matter needs to go to them. There are different options in the different institutions, but no one size fits all.

Angela Constance: When anyone makes a complaint, that is likely to be a time of distress. People are likely to be upset if they are complaining about harassment or other inappropriate behaviour. Independent organisations such as Parliaments, political parties, Governments and all the rest of it have different procedures. In your capacity as the SNP chief executive, how would you ensure that a complainant was signposted to the right places to complain elsewhere, as well as in the party?

Peter Murrell: The rulebook is there—it is on the party's website. The processes, procedures and reporting mechanisms are there for party members. From an SNP perspective, it is clear that the national secretary has the sole ability to send a complaint to the member conduct committee. If that was the route, we would ask someone to use the internal or external route for putting their experience or complaint into a summary report, which the national secretary would look at. As with the Parliament, the intention is to signpost people—even through physical signs in a building—to their options. There is a multitude of options, including that in the email that was sent, physical signs and other means on the party's website, for referring complaints.

Angela Constance: I understand perfectly what you say about the national secretary and—obviously—I have knowledge of SNP procedures. All that I am trying to clarify is through whom in the party, how and when a complainant would be signposted—without a decision being made for them—to ways in which they might wish to complain to another organisation as well.

Peter Murrell: I cannot think of a circumstance in which we would do that, unless a clear act of criminality was on display. The option to go to the police is available to everyone, but we have never been in such a situation.

Angela Constance: If a parliamentarian steps out of line in some way and breaches the SNP code of conduct, and it is alleged that they have also breached their parliamentary code of conduct, is there any communication between the party and

other institutions, or is it up to people to take their complaint to wherever they wish to take it?

Peter Murrell: I am trying to think of scenarios in which that would apply. We are in charge of policing SNP complaints, obviously. If someone alleged the misuse of public funds by a parliamentarian, there are more appropriate ways to report that. If the issue were something that another body had competence to investigate, we would signpost. If someone were alleging a misuse of public funds, say, we would say that although the matter could be investigated by the SNP, it should be dealt with in another way.

Angela Constance: We are speaking theoretically, but, in terms of duty of care to a complainant, who would do the signposting?

Peter Murrell: Two components of our small team are involved in that—I am not directly involved in either component. One person takes complaints forward and another has duty of care responsibilities. If a complaint is made, a single point of contact is detailed in an email to them.

Angela Constance: As chief executive, what is your role in ensuring that people fulfil their duty of care and investigate complaints appropriately?

Peter Murrell: My role is to be consulted. *[Interruption.]* I will just carry on—I will not join in with that music. It is the time of year for it.

I am there if the national secretary wants to ask for advice about anything. We have strict lines of responsibility in those areas, so we do not discuss either side of a complaint or any work that staff undertake with regard to our duty of care. If someone comes to us on a confidential basis, the matter remains confidential. The information is not shared more widely in the office, even with me, unless I am consulted at a later stage by the national secretary, once the matter is with that post holder.

Angela Constance: I understand the point about confidentiality. What about the processes and procedures that you are accountable for? You have to ensure that your team operates to the correct processes and procedures.

Peter Murrell: The national secretary is the post holder with the ability to take a member complaint to the member conduct committee. As staff, our job is to support the national office bearers—whether that is the national secretary, the national treasurer or leader of the party—in their functions. If we are asked to do something, we try to do that and to give the best advice that we can.

Angela Constance: Do you have any reflections on how those making a complaint about someone in the SNP, whether that is a councillor, parliamentarian or member of Government, could be better supported, including through signposting

to other forms of support or to other avenues for making a complaint?

Peter Murrell: We strive hard to get the balance right, although we cannot get it right all the time. From a duty of care perspective, we try hard to ensure that on-going support is in place for complainants and responders. We take that seriously, and we ensure that we offer every support that we can.

The Convener: On the same theme, I call Alasdair Allan.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): I suppose that I will not be alone in wondering what some of this has to do with the committee's remit, but I am sure that the convener will keep us right.

We have been provided—as you mentioned, Mr Murrell—with some of the SNP's internal rules regarding issues of discipline. With a complaint about a politician per se—a complaint about them in their role as a politician—does the party system automatically result, through SNP rules, in an investigation that is in any way different from an investigation that would take place for one of the SNP's 100,000 other members? Does that come down to standing orders, or are there any other differences?

Peter Murrell: That comes down to standing orders. That would be the appropriate place to pursue a complaint against a member. If the member had breached one of the standards of the code of conduct for members, the national secretary could refer a complaint under the standard that had been breached.

Dr Allan: A theme that has come up in our examination of the Scottish Government's own procedures is the distinction between what the Scottish Government terms "concerns" and "complaints". I do not know how analogous that is to the idea of formal versus informal complaints in the SNP system. Can you say something about how that works? What do formal and informal approaches to how concerns are handled look like in your system?

Peter Murrell: We would take the view that the point at which it would become a formal complaint would be once the national secretary decided to refer a complaint or a concern to the member conduct committee. I have watched other evidence sessions in which the question of what is and is not a complaint has been raised.

People who raise concerns would think that they were raising a complaint—that is the reality. In terms of a process, we would, internally, view the decision of the national secretary to refer something to the member conduct committee as

being the point at which it would become a formal complaint.

Dr Allan: But the party sets out two routes, to which you alluded. There is an independent route and an existing internal procedure, so I think that I am right in saying that there are two options for people who wish to raise a complaint with the party. If a matter is raised through the external route, does that relate in some way to the disciplinary procedure?

Peter Murrell: The external route is really just to provide a summary to the national secretary of the concern that is being raised. The national secretary considers that, and they can make a number of different decisions about whether an investigation, or any action, is required at that time.

Both routes, in bringing a concern to the attention of the national secretary, do the same thing. They basically produce a summary report, which is then given to the national secretary for a decision.

Dr Allan: In your view, does one of those routes offer a more effective means of providing that information than the other route, or are they equally useful?

Peter Murrell: They are equally useful. It depends; some members would like to keep matters internal. At the time when the #MeToo movement was in the news, it was certainly thought that an independent route might also be useful for people, especially when the staff member concerned had been in place for some years and might be seen as being not as independent as someone external to the party who reports directly to the national secretary. That was seen as offering another option for people who wanted to raise complaints.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Good morning, Mr Murrell. You have already said that procedures were looked at in relation to the #MeToo movement and the things that were going on among political parties throughout the United Kingdom. Could you be a bit more specific about how, in the light of the #MeToo movement, the new procedure was drawn up? Who drew it up, and how was it progressed?

10:45

Peter Murrell: The procedure has not changed; it is only that there was a new way to report concerns. We are not able just to change the procedure; we have to go to conference to change the party's rule book. One cannot simply change the disciplinary process of the SNP by executive

order—it must be done through the party conference.

All we did at that stage was look at how concerns, if there were any, could be reported, and whether there was any way to improve that. Offering an independent route—to summarise concerns that people might have had, and pass that to the national secretary—seemed to add an option for people, which we thought was important at that time.

I reached out to the solicitor myself on Monday 30 October. By the end of that day, we had identified an individual who would take on the role. We drafted an email and had it signed off by Nicola Sturgeon—it was being sent in her name—and it was issued the next day, 31 October, which is in the committee's papers.

Maureen Watt: Therefore, you are saying that the existing procedure was felt to be sufficient in relation to anything else that had come up as a result of the #MeToo movement.

Peter Murrell: Yes. Here we are, three years on, and the rules for the disciplinary process are as they were back then.

Maureen Watt: Has that been looked at and has thought been given to revising the process at all, or are you still confident that it meets all the needs of anyone who might have a complaint?

Peter Murrell: It will be looked at. We have been through a constitutional review in the interim, and the disciplinary rules have not changed, but that is not a fixed position. At any point, we could look at the rules and think that they need to be changed, sharpened up or whatever, so that is an option. We have a new national secretary who has been in post for a couple of weeks, who might take the view that the rules need to be updated. That is very much driven by the office bearers of the party, but at the end of the day, changes have to go to conference and be approved by delegates.

Maureen Watt: The procedure was drawn up by someone with a legal background. Did they have a human resources background, as well? Was there any HR input when the procedure was being drawn up? Indeed, was there any input—as seems to have been the case with the Scottish Government procedure—from women who might be in a situation in which they might experience sexual harassment?

Peter Murrell: The rules in that form date back to 2004, I think. My recollection is that there was a committee established to rewrite the party's constitution and rules, and there were many lawyers and other people who put ideas into that process. I could not say whether there was HR input specifically, but there would be lots of talent as part of that committee process of rewriting the

party's constitution and rules. I say that they are fairly robust to this day, and have stood the test of time.

Maureen Watt: Without going into any detail about specific communications, were there any responses to the First Minister's email concerning that?

Peter Murrell: Yes, there were. I think that it is a matter of public record that we had complaints at the time about a parliamentarian and another individual.

Maureen Watt: Was the action that was taken satisfactory to the people who had raised complaints or issues as a result of that email?

Peter Murrell: I very much hope so.

The Convener: We move to questions from Murdo Fraser.

Murdo Fraser (Mid Scotland and Fife) (Con): Good morning, Mr Murrell, and happy birthday.

Peter Murrell: It is a good way to spend one's birthday.

Murdo Fraser: I am sure that you have been looking forward to it.

Peter Murrell: I cannot wait for the cake later.

Murdo Fraser: I will ask you about two specific items that you covered in your written evidence to the committee. The first item is in relation to the meetings that the First Minister held with Mr Salmond on 2 April, 7 June and 14 July 2018. The meetings on 2 April and 14 July were held in your home. What is your understanding of the capacity in which the First Minister held those meetings with Mr Salmond?

Peter Murrell: I was not at home and I was not aware of the capacity in which she was having those meetings.

Murdo Fraser: You were not in the house at the time.

Peter Murrell: I was not at home during either meeting. I think that the third meeting took place on the eve of an SNP conference, so I suspect that I was busy elsewhere. However, I was not at home on the two occasions on which those meetings took place.

Murdo Fraser: One of the things that we are trying to understand is the nature of the meetings. Last week, we heard from the First Minister's principal private secretary, John Somers, evidence that if those had been Government meetings, they would have been in the ministerial diary and notes would have been kept, but that that was not the case. It would therefore be a reasonable assumption that the meetings were held in the First Minister's capacity as leader of the SNP.

In her submission, the First Minister says in reference to the meeting on 2 April that "as party leader" she "considered it important" to find out whether

"Mr Salmond may be about to resign from the SNP".

In relation to the meeting on 14 July, she says that she was

"again, anxious - as Party Leader"

to understand

"whether his handling of the matter meant it was likely to become public in the near future".

Would it therefore be reasonable to assume that those meetings were held with her in her position as leader of the SNP?

Peter Murrell: I think that the position that she sets out is reasonable; the nature of the meeting is really for the First Minister to say. Nonetheless, from what I have read in her submission, it seems to make sense that her impression of what the meeting was about altered when the discussion happened. What she sets out in her written submission seems to be a reasonable version of events.

Murdo Fraser: You say in your submission that you did not discuss those meetings with Nicola. However, you are the chief executive of the SNP. If an SNP matter was being discussed, surely it would have been brought to your attention?

Peter Murrell: Nicola meeting Alex was not an uncommon event or anything unusual; it could have been about any matter. I was not really aware that he was coming to the house on the first occasion, and that does not strike me as being unusual. They met and they spoke on the phone—it was nothing out of the ordinary.

Murdo Fraser: When were you first told about the nature of the meetings?

Peter Murrell: That was at the time when they became public knowledge, whatever date that was—25 August, or thereabouts, the following year.

Murdo Fraser: So, the leader of the SNP did not at any point think to tell the chief executive of the SNP that there was a looming problem with the former leader of the SNP and former First Minister of Scotland that might end up in the public domain?

Peter Murrell: The point is that the issue that was raised with Nicola at the time was a Scottish Government matter, and Scottish Government business is not for me. Every single day, Scottish Government business is not relayed to me. Nicola is very confidential about the process; she has been a minister for a very long time and we just do not talk about Government business.

Murdo Fraser: You say that it was Government business, but one thing that we are—I think—now clear about is that the meetings were not conducted as Government business. They were not in the ministerial diary, no notes were taken, and Nicola Sturgeon suggests in her own submission that party matters were being discussed. Either they were Government meetings or they were party meetings.

Peter Murrell: To be fair, in her submission she set out that, prior to the meeting, she had thought that it was about a party matter and that, once Alex had told her what it was about, it became something else.

Murdo Fraser: That might have been the case for the first meeting, but at subsequent meetings it surely would have been obvious what the matter being discussed was.

Peter Murrell: A Scottish Government matter.

Murdo Fraser: There is confusion about whether those were Government or party business meetings, which I think you are not helping us to clear up.

Peter Murrell: Nicola has set that out in her written submission. She will be in this chair very shortly, so you can ask her directly.

Murdo Fraser: Okay—thank you.

I will ask you about another matter. In your second written submission you made reference to the text messages that you sent on 25 January 2019, which was the date of Mr Salmond's first appearance in court on the criminal charges against him. The first such message said:

"Totally agree folk should be asking the police questions ... report now with the PF on charges which leaves police twiddling their thumbs. So good time to be pressurising them. Would be good to know Met looking at events in London."

The second text message, which was sent shortly afterwards, said:

"TBH the more fronts he is having to firefight on the better for all complainers. So CPS action would be a good thing."

What were the events in London to which you were referring?

Peter Murrell: That was the day after Alex had been in court, so by that stage there was awareness of concerns and complaints from different parts of the SNP—some from Westminster and others from here in Scotland. There was therefore some understanding of there being different judicial jurisdictions in play in relation to complaints or concerns having been raised.

Murdo Fraser: So you were aware of pending complaints against Mr Salmond from people in London.

Peter Murrell: No matter who has raised concerns within the SNP, I do not have their permission to talk about their situations. However, from the text message exchange you can take it that there was some awareness that Crown Prosecution Service action was possible or pending.

Murdo Fraser: Clearly, those complaints have not made it as far as charges being laid, but I presume that you were aware that something was going on in the background.

Peter Murrell: I was not aware of specifics.

Murdo Fraser: There was chatter, specific issues had been raised with you, and a specific complaint had been made.

Peter Murrell: No—there was nothing specific. It was just the fact that some matters were not for Police Scotland or the Crown Office to deal with.

Murdo Fraser: In your first text message you said that it would be a good time to be "pressurising" the police. You are the chief executive of Scotland's largest political party—not only that; it is the third-largest political party in the United Kingdom, as far as its presence in the House of Commons is concerned. It is the party in Government in Scotland, and the First Minister of Scotland is the leader of your party and, indeed, your spouse. Ultimately, Police Scotland is answerable to the First Minister of Scotland. Can you see why that term causes concern?

Peter Murrell: I can see that the language that I used was open to misinterpretation. It was not about pressurising the police. There had been a great deal of upset both that day and the previous day. I had been working for Alex for 30 years by that point, and we were all shocked by the scale of the charges that were being brought against him. I know that I did not really sleep that night. When I came into the office everyone was quite gutted, as you can imagine.

11:00

Reflecting on those messages now, they seem quite out of character. To me, that suggests just how upset I was at the time. It was not about how the messages were interpreted; the context was that some people who had raised concerns had questions. Obviously, my upset is nothing in comparison to theirs. They were seeking answers to things that only the police or Crown Office could answer. A more appropriate text message back at that point would have been, "They should seek the answers from the police," or whatever. That was not the language that I used, however, and that is

why I have said that I regret using it—that is not the right word to use in that context.

Murdo Fraser: Do you know whether any action was taken in response to that pressure to which you refer?

Peter Murrell: There was no pressure. It was complainers seeking answers to questions that they had. That is the context of that morning.

Murdo Fraser: The reason why I am asking those questions, and why this ties into the committee's remit, is that we are examining a complaints process that was set up by the Scottish Government, which failed. It failed women who had made complaints, because they have never had a resolution, and it ended up costing the taxpayer more than £1 million in legal costs, because it was deemed to be illegal, and Mr Salmond won his judicial review.

There are people close to Mr Salmond, as you will be aware, who believe that there was a conspiracy against him. They would point to the text messages and other evidence that has been presented as part of that. They would consider the fact, for example, that the policy was applied retrospectively to former ministers despite advice to the Scottish Government not to apply it in that way; they would refer to the fact that the policy was signed off by the First Minister; they would refer to the fact that we now know that the complainers were reluctant to go to the police initially, and that it was Leslie Evans, the permanent secretary, who involved the police in the first instance. They would refer to the text message from Leslie Evans at the point when Mr Salmond won his judicial review, saying that the battle was lost but the war would be won. They would refer to the Scottish Government's lack of co-operation with this inquiry, and they would refer to the First Minister's lapses of memory about her first meeting in relation to Mr Salmond. They would then add your text messages to that. Can you understand why there are people who think that it was all about trying to get Mr Salmond?

Peter Murrell: But the SNP's processes did not change. The procedure is exactly as it was and has been for 16 years. Bar the SNP adding in an independent route for someone to raise a concern and take it to the national secretary, our processes have not changed. I can only comment for the SNP: our procedure is exactly as it was.

Murdo Fraser: You said a moment ago that you were very close to Mr Salmond. You worked in his constituency office previously, you have known him for 30 years, and he was leader of the party when you were chief executive. How would you characterise your relationship with him now?

Peter Murrell: I was trying to recall: the last time we spoke was probably at some point during the 2017 election. I have not spoken to him since.

Murdo Fraser: Do you think that he has been hard done by?

Peter Murrell: Complaints came forward, and they had to be investigated and looked at by political parties, the Scottish Government and the police. Those are proper processes to have happened with concerns that are brought to all those institutions.

Murdo Fraser: If Mr Salmond were to say tomorrow that he wanted to rejoin the SNP, would you welcome him back?

Peter Murrell: That would be—

The Convener: That is an inappropriate question, Mr Fraser.

Peter Murrell: Do you—

The Convener: No—I do not think that that it is an appropriate question. I think we will just end there and move on to Mr Cole-Hamilton.

Alex Cole-Hamilton: Good morning, Mr Murrell. Thank you for coming today, and happy birthday.

For the record, exactly how long have you known Alex Salmond?

Peter Murrell: That is a good question. Since 1983 or 1984, or thereabouts.

Alex Cole-Hamilton: And you have worked closely with him during that time.

The First Minister characterises her relationship with Mr Salmond prior to their estrangement as being the most important outside of her family. How would you characterise your relationship with Mr Salmond before the deterioration in your friendship?

Peter Murrell: I think that “professional” is the answer to that. I have worked either directly for him, having been employed by him, or with him, for most of those years.

Alex Cole-Hamilton: Convener, I should clarify that I am asking about the relationship because it is apposite to understanding the First Minister's relationship.

Mr Murrell, what would you say was the catalyst behind the deterioration in your relationship with Mr Salmond?

Peter Murrell: During what time period?

Alex Cole-Hamilton: You have just said to Mr Fraser that you did not speak—

The Convener: Can I clarify that Mr Murrell is here in his professional position as chief executive

of the SNP, which should be borne in mind with the questioning and in answering.

Alex Cole-Hamilton: Understood.

Would you like to answer that question, Mr Murrell?

Peter Murrell: I asked you which time period you were referring to.

Alex Cole-Hamilton: Sorry. I will be more specific. This relates directly to your role as chief executive. The former adviser to Mr Salmond, Campbell Gunn, has stated in the national press that Mr Salmond told Nicola Sturgeon when she became First Minister, that he felt that it was inappropriate for you to retain your position as chief executive of the SNP as it created too many conflicts of interest.

Did you feel that there was a campaign from Mr Salmond's side to see you gone? Was that part of the reason for the deterioration in your relationship?

Peter Murrell: No. I have been through many election campaigns with Alex. We managed to get to a position where he became First Minister twice over. We worked together for a very long time. You are referring to a breakdown in the relationship, but I do not think that there has been one; it is just that there has been no contact, because that would not have been appropriate when a person is seen to be handling concerns that have been raised by individuals.

Alex Cole-Hamilton: Understood.

In your answer to Margaret Mitchell, you were quite judicious with your choice of words on whether you were aware of complaints about Mr Salmond. You answered that you were never aware of complaints in the SNP about him. However, we have learned in the inquiry that complaints were very seldom formalised and that a number of concerns were raised, certainly in the Government, about Mr Salmond's behaviour, particularly in a bullying context.

In the SNP, were you aware of any concerns about Mr Salmond's conduct, either bullying or otherwise?

Peter Murrell: He had very high expectations and could be difficult and unreasonable. However, there are individuals in life who are like that and when you see that behaviour happening, you have to challenge it. It is commonplace to diffuse situations or smooth things over when someone is going at a very fast pace and expecting a lot of staff.

Alex Cole-Hamilton: In your 20 years as chief executive, did you ever receive informal concerns that were raised directly with you by anyone in the SNP who chose not to formalise those concerns

as an actual complaint against Mr Salmond, but might have had grounds to?

Peter Murrell: I can think of a couple of occasions through the years where I diffused a situation at a meeting where someone might have been challenged, and a couple of other situations that required some smoothing over, but there was nothing of any sexual misconduct nature—nothing of that order in all my years.

Alex Cole-Hamilton: That brings me nicely to my next question, which is about the revelation from Edinburgh airport and the approach by Sky News for comment. You told Margaret Mitchell that you were in a car on the way to an event with the First Minister when that call came through. Who did that call come from?

Peter Murrell: I was at home. It was not a call; it was an email from one of the SNP's parliamentary press officers.

Alex Cole-Hamilton: Were you the person to break the news of that inquiry to the First Minister, or did she have some idea through her Government sources that similar inquiries were happening within the Government?

Peter Murrell: An email came in, and I am unsure if I was the one who showed it to her—I cannot recall. However, seeing the email was simultaneous with showing her it, because we were about to go into an event.

Alex Cole-Hamilton: As neither of you had any prior concerns about or understanding of issues of sexual misconduct by Alex Salmond, that email coming through must have been a bombshell moment. Did you discuss the implications of what that story would mean for the SNP if it materialised?

Peter Murrell: No. In her evidence to the committee, Nicola set out the arrangement that was made to speak with Alex the next day. That was the action that was taken that night. It was half past seven on a Saturday night. Therefore, it was unlikely that Sky News would run a story that night. The inquiry had just landed without a timeframe for response, so the view was taken that Nicola and Alex should speak the next morning. That has already been set out.

Alex Cole-Hamilton: Did she intimate to you that discussions were being had in the Scottish Government about the inquiry? We know that Mr Salmond had approached civil servants.

Peter Murrell: I have heard other people give evidence to this committee about that, but I had no knowledge of it at the time.

Alex Cole-Hamilton: I am trying to distil this. The story was an important revelation, considering both of your relationships with Mr Salmond. Mr

Murrell, you are not very clear about whether you received that email and then broke the news to the First Minister or if she already knew. If she already knew, did she volunteer how she knew?

Peter Murrell: She did not know. That was the moment that both of us found out.

Alex Cole-Hamilton: So, that was when you broke the news. That is helpful.

Peter Murrell: I thought that I was clear.

Alex Cole-Hamilton: I want to ask about the meeting on 2 April. In her evidence, Nicola Sturgeon told the committee that the meeting on 29 March was her revelation moment in the Government investigation, and that she went into the meeting on 2 April with the expectation or belief that Alex Salmond might be about to resign from the party.

I want to press you further, following Murdo Fraser's line of questioning. It seems like that meeting was not about Government business. There was a threat to the SNP from what might be about to materialise. For all she knew, Alex Salmond was going to hand her a letter of resignation from the party. If she had an inkling that that was going to happen, would it not have been right for her—as leader of your party—to involve you or the press team in an internal or external party communications plan, so that warning lights could go off on the dashboard about this huge event that might be about to happen? Does it not strike you as odd that she did not think to bring you in to that confidence?

Peter Murrell: I do not think that you can pre-plan for a crisis. When you are dealing with the lives that we lead—in which we deal with things 24 hours a day, seven days a week—you deal with issues as they happen. Therefore, the point at which something was happening is when we would be told. In general, we would only tell the party leader about the national secretary taking action against a prominent member of the party at the point at which the national secretary had decided to do that.

If we were potentially going to place someone under administrative suspension, we would make Nicola aware of it at that point. It is the same when it is the other way round; that is when I would become involved and deal with an issue.

Alex Cole-Hamilton: It is quite different, Mr Murrell, is it not?

Peter Murrell: It is not.

Alex Cole-Hamilton: Telling the leader at that point is about protecting them through plausible deniability by only bringing it to their attention when they have to know about it. First Ministers are generally very busy people. Whereas your role

exists to protect the SNP and ensure that any rifts that appear within it are healed as quickly as possible. She knew four days before her meeting on 2 April that Mr Salmond was going to come with some strong information that would cause damage to the SNP. I find it incredible that you did not have a discussion prior to either of those meetings so that you could at least lay the groundwork for an SNP response.

Peter Murrell: There is no groundwork that we could have laid for that event. She has set it out in her own evidence and that is just the truth of it. It was not something that we discussed prior to the meeting. I was not aware that he was coming to the house.

11:15

Alex Cole-Hamilton: I am sorry, Mr Murrell, but I find it hard to believe you. I am not saying that you are—you know. It is just jarring. Take my party, for example. We are the smallest parliamentary party in Scotland, but we have mechanisms for dealing with bad news. We have had our fair share of bad news. We always prepare an internal comms strategy, an external comms strategy, risk follow-up and lots of other things. I find it difficult that you are one half of Scotland's most powerful couple and that that was not a conversation that was had over the breakfast table in the four days before 2 April.

Peter Murrell: I think that you misunderstand the life of a First Minister, Mr Cole-Hamilton. The First Minister is up early in the morning, back late at night and there is lots happening in between. There is very limited time at home and very limited personal time. The way that you are characterising it is as though we had four days at home and that just does not happen. The First Minister is constantly on the phone, at meetings, reading papers and dealing with Government business.

Back before we started to win elections, we used to pre-plan and have lots of strategies for things. However, we ended up ripping them all up because that is not what happens. In a fast moving political situation, we deal with things at the point at which they happen. It is impossible to pre-plan things of that nature—that is just not how it happens.

Alex Cole-Hamilton: The SNP is the most well-staffed party in the whole of Scotland and is legendary for its comms prowess, yet you mean to tell me that a variation in the papers for the debate on the land and buildings transaction tax took precedence over discussions to prepare your party for the biggest bombshell in its history.

This is my final question, convener, and I apologise for taking so much time. Last week, we learned from the Scottish Government that, when

the revelations broke—when the investigation was concluded and the *Daily Record* ran its piece—and investigations were passed to the police, it received a small flurry of other complaints from within its ranks. Did that precipitate a similar flurry of complaints or concerns being raised from within the SNP?

Peter Murrell: The period after it became public is the point at which the party received reports of concerns being raised by individuals. There were a small number of those.

Alex Cole-Hamilton: How many were there and what did you do with them?

Peter Murrell: It was a small number. Various emails were issued at that time. I think that the story broke in the *Daily Record* on 25 August and Alex resigned on 28 August. Of the two processes for reporting concerns, no complaints came through the internal route and a small number came through the independent external route, but it was into September before the summary reports from the independent process arrived. By that stage, Alex had left the party and the police were involved; by the point at which the national secretary received that small number of reports, there was an active police investigation.

Alex Cole-Hamilton: Did the party refer that small number of complaints or concerns to the police?

The Convener: Can I stop you there? I am getting a wee bit concerned that we could be getting into the realms of jigsaw identification.

Alex Cole-Hamilton: Fair enough. I apologise, convener. I have no further questions.

Jackie Baillie (Dumbarton) (Lab): I, too, wish Mr Murrell a happy birthday, and I hope that the First Minister will find time in her busy schedule to take him out this evening.

Peter Murrell: I am in level 4.

Jackie Baillie: So you are.

Peter Murrell: There is nowhere to go.

Jackie Baillie: You will be able to get a takeaway then.

Peter Murrell: If I am a lucky boy.

Jackie Baillie: You spent a lot of time talking about the First Minister's statement. Did you discuss with her the evidence that you are giving today prior to coming here?

Peter Murrell: No.

Jackie Baillie: Not at all?

Peter Murrell: No.

Jackie Baillie: Oh—okay. That is quite extraordinary.

You have said to others that you worked with Alex Salmond for about 37 years—I think that I counted that—in different guises.

Peter Murrell: Steady on. It was slightly less than that.

Jackie Baillie: No? From 1983—

Peter Murrell: Let us compromise and say four decades.

Jackie Baillie: Okay. Four decades is even longer than 37 years—but there you go. You would therefore know him quite well. I think that you said to others that, aside from one or two incidents, there were few concerns about his behaviour. Is that statement accurate?

Peter Murrell: There were very few concerns over all that time.

Jackie Baillie: Okay. That is helpful to know.

One of my colleagues raised the issue of the incident at Edinburgh airport and the contact from the press, which occurred in 2017. Was the Edinburgh airport incident not much earlier than that?

Peter Murrell: The Sky News inquiry said that it was in 2009.

Jackie Baillie: Okay. That was reported at the time to Angus Robertson, who was the Westminster leader of the SNP. Is that correct?

Peter Murrell: That is what the email from Sky News said.

Jackie Baillie: Okay. I assume that you would have discussed the matter with Angus Robertson, because he remains a party colleague. Did he suggest that that was correct?

Peter Murrell: I think that the committee has written to Angus Robertson and given him a deadline to respond.

Jackie Baillie: I know, but I am asking you.

Peter Murrell: It is only fair that you give Angus Robertson the chance to give his own evidence.

Jackie Baillie: Okay. I asked you that question, because I assumed that something of that nature would have been reported to you, as chief executive of the SNP. Was the incident ever reported to you in 2009 or thereafter, before Sky News got in touch?

Peter Murrell: It was reported to me on 4 November 2017, at 27 minutes past 7 in the evening. That sticks in my mind for some reason.

Jackie Baillie: Would it not be strange if something of that nature had not been reported to

you, as chief executive of the SNP, or do people often not tell you things that go on in the party?

Peter Murrell: We liaised with clerks about that question. Political parties are strange beasts; they are unincorporated associations. We are all just individuals so, if someone reports something to one member of the party who does not share that information, that is not something that the SNP can be aware of.

Jackie Baillie: I, too, am a member of a political party and I have been around probably as long as you have, so I tend to know how political parties operate. People are told about things that go on—particularly things of that nature—and they are told quite quickly, so I am genuinely surprised that you did not know at all. There is not that much difference between how political parties operate internally, and we in the Labour Party would have known of such a thing.

Peter Murrell: All that I can tell you is that, in all my years of working for Alex Salmond, the first time that I saw a suggestion of anything of that nature was on 4 November 2017. That is the truth.

Jackie Baillie: Okay. In your evidence, you described the meeting on 2 April as something that you would not be aware of, because Nicola Sturgeon conducted it in her role as the First Minister. You have read her statement, in which she clearly said that she had the meeting not as the First Minister, but as the SNP leader. On that basis, would you, as the most senior ranking official in the SNP, expect to know what the content of that discussion was?

Peter Murrell: She set that out in her evidence, so you can ask her about that when she comes here. I can consider only what she has written in evidence and say that that is a reasonable interpretation of events.

Jackie Baillie: Okay—but your evidence conflicted with hers. You said that she had that meeting as the First Minister and that you would therefore not know its content, because it was not proper for you to know Government business. I entirely accept that statement. The difficulty that you have is that Nicola Sturgeon has said that she did not have that meeting as the First Minister, but as the SNP leader. As the highest ranking official in the SNP, would you have expected to be told about it?

Peter Murrell: Again, it is set out there for you—

Jackie Baillie: Yes, but it is set out in conflict.

Peter Murrell: If it was a matter that was coming to the party as something that was about to happen, I would expect to be told, and that is what happens. I am told things when they are about to come my way; that happens all the time.

Similarly, when the news was breaking, it came to me very late. That is just what happens. It is on a need-to-know basis.

Jackie Baillie: Okay. The reason why I am exploring this is that there is a direct conflict between your statement and Nicola Sturgeon's statement. There is no dubiety about that. You have written different things.

Peter Murrell: I do not accept that.

Jackie Baillie: It is in black and white, but—

Peter Murrell: I just do not accept that.

Jackie Baillie: I will not pursue the point further. It is in black and white, and the record will show that.

I turn to the infamous text messages. Who were the text messages with?

Peter Murrell: I do not think that it is fair that I am asked to identify someone who has privacy rights and—

Jackie Baillie: I think that the person has already been identified in the press as your chief operating officer.

Peter Murrell: I think that—

Jackie Baillie: Okay. If you do not want to do that, I—

Peter Murrell: I do not think that this is really—

Jackie Baillie: Okay. Were there further messages in the same vein from you to this party official or, indeed, any other party official, associated with this topic?

Peter Murrell: What do you mean? Sorry.

Jackie Baillie: I mean in relation to the allegations about the former First Minister, Alex Salmond.

Peter Murrell: And what? Sorry.

Jackie Baillie: 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.

Peter Murrell: No—not that I am aware of. Not that I can—

Jackie Baillie: Okay. You said in the evidence that you provided before coming to the committee that you conferred with Ian McCann, who is the compliance officer, and Sue Ruddick, who is the chief operating officer, and that no other relevant information was found. Can you repeat that under oath?

Peter Murrell: Well, it is in my evidence, so—

Jackie Baillie: Sure. I am just asking you to confirm under oath that there is nothing else there.

Peter Murrell: There is nothing else—no.

Jackie Baillie: Okay. In the criminal trial, one of the witnesses was reported to have said that the situation with the former First Minister was indeed reported to Ian McCann and recorded in his file. Is that true?

Peter Murrell: Whose file?

Jackie Baillie: Alex Salmond's file.

Peter Murrell: There is not an Alex Salmond file.

Jackie Baillie: So no such files exist. I am simply going on the basis of the testimony at the criminal trial, in which somebody said that they reported that to Ian McCann. You say that there are no files.

Peter Murrell: [*Inaudible.*] I am aware that there were reports of such text messages in the press. I was not in court. I do not know about these text messages.

Jackie Baillie: Okay. I am basing this on what I read in the newspapers.

Peter Murrell: Absolutely.

Jackie Baillie: Are you aware of any contact between Ms Ruddick and special advisers or ministers about the judicial review?

Peter Murrell: No.

Jackie Baillie: You are not aware of that. Were you aware that a WhatsApp group was formed on the day when the judicial review was lost? I understand that it was convened by the chief operating officer. Were you aware of that WhatsApp group?

Peter Murrell: I am not. No.

Jackie Baillie: Okay. Did you see any of the messages in that group?

Peter Murrell: I am not aware of any WhatsApp group, so—

Jackie Baillie: Okay, so you are not aware of the WhatsApp group.

Again, this is gleaned from the press at the preliminary hearing. I understand that one of the messages talked about Government special advisers convening a council of war. Do you understand what that means?

Peter Murrell: I have already explained that I do not know anything about a WhatsApp group, so—

Jackie Baillie: I am just asking you whether you understand what the messages might mean. Did

you ever hear talk of Government special advisers—

Peter Murrell: Sorry, are these WhatsApp messages or text messages?

Jackie Baillie: They were WhatsApp messages, and I am asking you whether you knew about Government special advisers convening a council of war.

Peter Murrell: I can tell you only that I know nothing about a WhatsApp group. I am not on WhatsApp; it is not a social media platform that I use.

11:30

Jackie Baillie: That is a very sensible thing to do—but that is for another day. Did Ms Ruddick, at your behest, encourage people to make police complaints from autumn 2018 onwards?

Peter Murrell: I do not think that we would. That is not something that staff would do. I do not think that that would be appropriate, so no. I am not aware of any of what you are describing to me. It does not fit with the compliance side of things, the duty of care or the independent process. That is not what we would do. We would not say to people, "Go to the police," unless there was something that was clearly and obviously a matter for the police to look at.

Jackie Baillie: Okay. I understand that.

I turn to your actual messages that were shared with the committee. I ask you again what you meant by saying that the police will be "twiddling their thumbs", so it is a

"good time to be pressurising them."

Peter Murrell: I have set that out already. The language that I used was not appropriate. I would say that it was pretty out of character for me. I can only explain that as being the result of how upset I was that morning. The reality and the context were that we were approached by people that morning who sought answers to questions that could be answered only by the police, whether that was the police who had been allocated to take their statement or whatever. They should have gone back to the same police officers and asked questions to seek the clarity that they were looking for.

Jackie Baillie: You are a man who has been in politics for four decades now, according to your own words, and you are very careful with your language. Text messages invite you to be brief and very clear about what you are saying. Are you saying that you got it wrong for one day in 40 years?

Peter Murrell: Yes, I am, because of what we were dealing with that morning and the previous day. We were all gutted by what we had seen roll out over the previous 24 hours. It was a very flat and emotional time for everybody in headquarters. It was very upsetting. Yes, I would say, hands up, that the language was not appropriate and that I very much regret those words. I just put it down to the hurt.

Jackie Baillie: Okay. You said:

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

What was that about?

Peter Murrell: I have worried and I still worry all the time about this. I worry about the women. That is what that was about.

Jackie Baillie: Good. I am glad to hear that you do.

If my memory is right, Alex Salmond had resigned from the SNP by that stage. I am trying to understand what the party interest would be if you were making him fight on two fronts. Did you encourage anybody—whether a party or non-party member—to make a complaint to the Crown Prosecution Service?

Peter Murrell: No.

Jackie Baillie: You did not. Okay. I hope that you recognise how dangerous it would be for a senior official—the most senior official—of a political party with such a close personal relationship with the head of Government to interfere in a police investigation. You would not do something like that, would you?

Peter Murrell: I would not. No.

Jackie Baillie: I turn to the question of the letter—I am coming to a conclusion, convener. You provided us with a letter of 31 October from the First Minister. Was that the only letter on harassment or the SNP disciplinary process that was issued?

Peter Murrell: That was issued in 2017. I think that, when the news broke of the allegations about Alex Salmond in the *Daily Record*, there was a repeat of something similar to provide people with the two processes for reporting complaints. It was just a recap of what had been in the original email a year earlier.

Jackie Baillie: Would it be possible for the committee to see that letter, because we have not been provided with it?

Peter Murrell: I can take a look at that.

Jackie Baillie: Thank you—that would be very helpful. Was the letter sent to party members? Was it sent to staff? Who was it sent to?

Peter Murrell: I think that it was sent to all party members. Through 2017 and 2018, we dealt with a number of different complaints. One of the things that we learned over that period was that, even if something was in the media, it would spark a reaction with other people. In a historical sense, we were aware that a lot of hurt could be caused to people through the simple fact of something being in the news, so we wanted to ensure that, in relation to our duty of care and the methods for reporting, people had those options. We wanted to ensure that people had the prospect of reaching out and getting assistance if they had any historical issues. However, it was not simply about offering up ways to complain.

Jackie Baillie: I appreciate that. Based on what you have said, was the letter sent to past members of staff, too?

Peter Murrell: It was sent to all members.

Jackie Baillie: Was it sent to past members of staff who were no longer members of the SNP?

Peter Murrell: Potentially.

Jackie Baillie: Was it sent to them?

Peter Murrell: It was sent to all members.

Jackie Baillie: I am trying to establish whether it was sent separately to staff members who were no longer members of the SNP, because they would not have been captured in the all-members mailing list.

Peter Murrell: We tried to capture, through the knowledge of existing staff teams, anyone who worked in a previous period, so that the information was shared with everyone. It was potentially sent to them.

Jackie Baillie: That is helpful. Were any of the returns that you received through people contacting you shared with Scottish Government special advisers or civil servants?

Peter Murrell: No.

Jackie Baillie: Finally, there has been a suggestion that your text messages are evidence of a plot to ensure the downfall of Alex Salmond, and that you had a key role in that. Is that true?

Peter Murrell: The timeline would say no, because he had been charged by the time that I sent those text messages. By that point, all complainers had come forward, the police had charged him and he had appeared in court, so that suggestion is, of course, not true.

The Convener: I will take a short supplementary question from Alex Cole-Hamilton, and then I will take questions from Andy Wightman.

Alex Cole-Hamilton: Thank you, convener, but I am quite happy to come in after Andy Wightman, because my question is not directly related to Jackie Baillie's questions; it relates to my earlier line of questioning.

The Convener: Okay. I will keep you until the end.

Andy Wightman (Lothian) (Green): I wish you a happy birthday, Mr Murrell—that seems to be the protocol.

Following the questions from Murdo Fraser and Jackie Baillie, I want to clarify something. I think that you said initially that the email on 31 October was sent to MPs, MSPs and SNP staff. Can you confirm that it was also sent to SNP members?

Peter Murrell: The email on 31 October was not sent to SNP members. The language of it, which is in the committee's papers, was aimed at parliamentarians in the European Parliament—at that time—Westminster and Holyrood. It asked parliamentarians to reflect on past behaviours and to reach out to staff members on the methods by which they could report any concerns that they had.

Andy Wightman: So, it was sent to MPs, MSPs—

Peter Murrell: MEPs—

Andy Wightman: —MEPs and SNP staff.

Peter Murrell: It was sent to councillors and staff.

Andy Wightman: Okay, but the email was not sent to SNP members and not to office-holders in the SNP.

Peter Murrell: It would have gone to the national executive committee and so on, but that is a very small number of people.

Andy Wightman: You said earlier that the SNP has procedures, which you have helpfully provided to the committee, and that the only change that was made in October 2017 was that you provided an independent route via an external party. If a person raised a complaint related to sexual harassment about, let us say, a member of staff in headquarters, what article of the code of conduct would they raise it under?

Peter Murrell: Also in your bundle of papers is the staff handbook. The grievance procedure for SNP headquarters staff is in your bundle, as well. That would be the method by which someone would complain about another member of staff.

Andy Wightman: So, that would be done under the staff procedure.

Peter Murrell: Yes.

Andy Wightman: What about an allegation or complaint of sexual harassment against an SNP office-holder, such as the treasurer, the national secretary or whoever?

What I am trying to get at is—

Peter Murrell: It would—

Andy Wightman: I am just trying to work out, when you talk about—

Peter Murrell: No—it is fine. That would be a member conduct complaint.

Andy Wightman: So that would be for the code of conduct for members.

Peter Murrell: Yes.

Andy Wightman: Okay—that is what I was trying to get at. Sorry.

Which of the 15 conduct standards would a complaint of sexual harassment be raised under?

Peter Murrell: The national secretary would make that decision. A number of different standards could be breached by such conduct.

Andy Wightman: I do not see many.

Peter Murrell: There are certainly two, anyway, but—

Andy Wightman: There is number 8, which says:

“No member shall abuse, harass or bully or maliciously defame any other member, whether via the media or otherwise.”

Peter Murrell: That would be one.

Andy Wightman: It is just that item 3 in the disciplinary rules, which is headed

“Complaints to the Disciplinary Committee”,

states:

“The Disciplinary Committee shall consider ‘complaints’ presented to it by the National Secretary.”

The rules go on to say at item 3.2:

“A ‘complaint’ presented by the National Secretary is a proposal by him/her that the Disciplinary Committee should take disciplinary measures against a member of the Party on one of the following Grounds—

(a) That the member has contravened the Constitution or Rules”—

I presume that a sexual harassment case would not come under that—or

(b) That the member has breached one of the numbered Standards in the Party's Code of Conduct.”

The reason why I am asking is that it does not appear to me that the SNP has an explicit policy on sexual harassment. I am a bit surprised by that. The only reference to the word “harass” appears in conduct standard 8.

Peter Murrell: There are different processes and procedures for all the different aspects, whether that relates to Parliament or the party. That would be a valid route for someone to pursue an issue. For employees, there are specific routes to take. If the issue is about member conduct, what Andy Wightman mentioned would be the appropriate way to do it, because it is not dealing with an employee. Specific policies are in place for employees. People who work for an MSP have a specific process and procedure for investigating sexual misconduct allegations, and the situation is similar across the other Parliaments and in councils. However, where that is not the case and we are dealing with volunteers or members of political parties, the standard would be as close as we would get to that procedure.

Andy Wightman: I understand that parliamentarians and councillors have different routes. If, for example, somebody alleges that they were sexually harassed at a party conference by another person, that person could be an elected official, but would be there in their capacity as a party member, because they are attending their party's national conference. In that situation, you would rely on the code of conduct for members.

Peter Murrell: Yes—although I would not; the national secretary would.

Andy Wightman: Indeed. I am just expressing a little bit of surprise that, following the #MeToo movement and everything that happened with that, there is no more explicit reference to sexual harassment, but I will leave it there.

I move on to the 2 April meeting that has already been discussed, because I want you to clarify a few things. You said that you were not at home; you were elsewhere.

Peter Murrell: I was at work.

Andy Wightman: You were at work.

In your 4 August evidence, under "Requests of me in a personal capacity"—that is, requests from the committee—you say:

"I became aware that complaints had been made under the Scottish Government procedure when the matter became public in August 2018."

That was the first time you were aware. You then say:

"I knew about the meetings between Nicola and Alex Salmond at our home on 2 April and 14 July 2018".

You say that you "knew about" them. When did you first know about the 2 April meeting?

11:45

Peter Murrell: I think at some point on the previous day I was aware that Alex was coming to the house. On the second meeting—

Andy Wightman: I am not so concerned about the second meeting.

Peter Murrell: I cannot actually remember about the second meeting but, as I have said, it was not an unusual occurrence. It was not something that—

Andy Wightman: So, you knew in advance that that meeting was going to happen.

Peter Murrell: Yes.

Andy Wightman: The day before.

Peter Murrell: I think so.

Andy Wightman: You go on to say:

"and I had the sense that something serious was being discussed."

How did you obtain that sense?

Peter Murrell: I came home from work and there were still people in the house at that point, so—

Andy Wightman: I am sorry—you said that you were not at your home on 2 April.

Peter Murrell: That is correct.

Andy Wightman: But you are saying that you came home—

Peter Murrell: I arrived home not long before the meeting ended.

Andy Wightman: That is fine. You were aware that those people were going to be there. They may have left, but you were aware that a meeting had been arranged.

Peter Murrell: Yes.

Andy Wightman: You say that you

"had the sense that something serious was being discussed."

Was that sense picked up from the atmosphere on your arrival home?

Peter Murrell: I will give you the situation. I arrived home and popped my head in our living room, and there were three individuals in the living room. Alex and Nicola were in another room. I could not see them. The fact that there were other people there was what gave me that sense.

Andy Wightman: You went on to say:

"Nicola told me she couldn't discuss the details."

That was after the meeting.

Peter Murrell: That was after the meeting. I went upstairs, had a shower and got changed. By the time I had done that, the meeting had ended and they had left. There was no interaction really, apart from saying hello to people when I arrived, and going upstairs.

Andy Wightman: You go on to say:

“The nature of Nicola’s job means that when she tells me she can’t discuss something, I don’t press it.”

I presume that the reference to “Nicola’s job” means to her job as First Minister.

Peter Murrell: Yes.

Andy Wightman: You did not anticipate being given chapter and verse or any detail, because it was not unusual for you to be denied knowledge of things that were happening. What was unusual, though, was the apparently serious nature of the meeting. You say that you sensed that

“something serious was being discussed.”

Peter Murrell: That is because of the fact that there were people there other than the people I was expecting to be there, who were Alex and Nicola.

Andy Wightman: This is my final query. Towards the end of your written evidence of 2 October 2020, you talk about text messages, which, for the record, I have not seen—I have just been on the committee for the past week. You say:

“The messages were sent the day after Mr Salmond had been charged with a number of serious offences.”

You go on to say:

“In the aftermath of this, the SNP was contacted by individuals who had specific, personal questions in relation to that criminal case.”

I do not want you to identify any individuals, but can you say any more about the nature of those personal questions and why they related to the criminal case?

Peter Murrell: I think that I set out that individuals who had previously spoken to the police had questions that they wished answers to that could only be answered by the police or the Crown Office. That is the context of those text messages and the approaches by those individuals. What the specific questions were, I do not know, but the SNP could not answer the questions; they could only be answered by the prosecution—the police or the Crown Office.

Andy Wightman: Just to be clear, when you say, “In the aftermath of this”, are you talking about the aftermath of the charging with serious offences?

Peter Murrell: Yes.

Andy Wightman: Do you know whether the individuals with “specific, personal questions” had spoken to the police as witnesses or complainers?

The Convener: Because of the risk of jigsaw identification, you have gone far enough with that line of questioning.

Andy Wightman: Thank you, convener. That is everything.

The Convener: Alex Cole-Hamilton and Jackie Baillie have short supplementary questions. It has been a long evidence session.

Alex Cole-Hamilton: I have two quick follow-up questions. On the evening on which you and the First Minister learned from Sky News of the Edinburgh airport concerns, did the First Minister attempt to contact Alex Salmond, or did she contact him on subsequent days?

Peter Murrell: Is that not part of the evidence that she submitted—

Alex Cole-Hamilton: I am asking so that you can refresh our memory.

Peter Murrell: Sorry?

Alex Cole-Hamilton: Will you refresh our memory?

Peter Murrell: What is your question?

Alex Cole-Hamilton: Did the First Minister contact Alex Salmond following the Sky News inquiry?

Peter Murrell: I think that they arranged to speak the next morning on the phone.

Alex Cole-Hamilton: That is fine.

My other supplementary question is on the meeting of 2 April and your exchange about that with Andy Wightman.

Couples share things, which is why spousal privilege exists in many countries to this day. It does not exist in Scotland, but in other parts of the UK and other parts of the world, spouses are not required to testify against one another. It is understood that the marital home is sacrosanct; people share stuff and they vent.

In your written evidence to the committee, you have been judicious in your phrasing. You said that, after the conclusion of the meeting on 2 April, Nicola Sturgeon “couldn’t discuss the details” with you, and that, given the nature of her job, you knew not to “press” it. However, that suggests that she might have given you an idea of what was said at the meeting. Is that correct?

Peter Murrell: No, it is not. 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.

When you are married to the First Minister, who is privy to lots of information, and she says that she cannot talk about something, you do not continue to say, “Ah, but what about ...”. That just does not happen. She has been a minister for a long time and she works very hard—every day and every weekend—so when we get precious time together, the last thing that we want to do is to rerun days with one another. When she says that she cannot talk about something, that is the end of it and we move on to something else, such as what book she is reading, what I am going to make her for her tea or whether she needs me to wash something. It is domestic stuff.

Alex Cole-Hamilton: We all know from Twitter what books she reads. Thank you, Mr Murrell. That is it for me, convener.

Jackie Baillie: What an understanding husband you are, Mr Murrell. I am very impressed.

I have a couple of quick questions. Am I correct in saying that you said to me that there were no records on MSPs’ or MPs’ files about complaints?

Peter Murrell: On record?

Jackie Baillie: Yes. Are there any records on MSPs’ or MPs’ files about complaints?

Peter Murrell: That is not an appropriate way to file things. If someone reports concerns or complaints, they need to be investigated and dealt with, so that you do not—

Jackie Baillie: If a complaint is made against an MSP, for example, do you keep a record on their file?

Peter Murrell: It would be fair to say that these days, people can conduct searches and compile the information that they need from different sources. I think that—

Jackie Baillie: I want to be sure that you are tracking things.

Peter Murrell: —from a privacy perspective, we do not keep files on parliamentarians or anyone else. That is not appropriate.

Jackie Baillie: In your tracking system, are there any outstanding investigations into Alex Salmond?

Peter Murrell: The process is that the national secretary had received some reports in September 2018, by which time Alex Salmond had left. Therefore, with regard to what action the party could take, there was none, because the ultimate sanction is expulsion, and he had left. Therefore,

there was no action that the party could have taken on those complaints.

Jackie Baillie: I wonder whether you can clear up one final bit of detail for me, because I might have got it wrong. I think that you said to us that you knew nothing until it came out officially. Therefore, how did you know about the London allegations, given that we discovered those only a couple of months ago?

Peter Murrell: I am sorry, in terms of—

Jackie Baillie: You said to the committee that you knew nothing about the allegations against Alex Salmond until they came out officially, and that that was obviously a great shock to you. I am trying to square that with the timeline in which you then sent a text message about the London allegations, because we discovered those only a couple of months ago.

Peter Murrell: They were four months apart; I discovered it on 25 August 2018 and my text message was sent on 26 January 2019. There are four months between those dates.

Jackie Baillie: What I am suggesting is that we did not really find out about the London allegations until much more recently than that.

I will go back and check my timeline. When did you say you sent the text message in January?

Peter Murrell: I do not have—

Jackie Baillie: You just said it.

Peter Murrell: Others of you might have those text messages, but—[*Interruption.*]

Jackie Baillie: I am being told that it was 26 January. It is just that you just said it, but I was not quick enough to write it down. I will go away and check my timeline.

The Convener: Thank you for coming, Mr Murrell, on what I now know is your birthday, to give your evidence. That is much appreciated. The committee will now move into private session.

11:56

Meeting continued in private until 13:51.

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