

**MINISTERIAL CODE INQUIRY: COMPLAINT FROM TAVISH SCOTT MSP
REGARDING EXCHANGES AT FIRST MINISTER'S QUESTIONS**

Report by Independent Advisers to the First Minister

The Rt Hon George Reid and the Rt Hon Lord Steel of Aikwood

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EXECUTIVE SUMMARY

- This report presents the conclusions of the Panel of Independent Advisers on the Ministerial Code on a complaint raised by Tavish Scott MSP with the First Minister relating to exchanges at First Minister's Questions (FMQs) on the future of the Scottish Interfaith Council. It is the first time that a matter has been referred to the Panel in this way, utilising the arrangements established by the First Minister when he published his updated version of the Ministerial Code in June 2008.
- The Panel concludes that the First Minister did not mislead Parliament during First Minister's Questions on 8 January 2009 and, therefore, did not breach section 1(c) of the Ministerial Code. The Panel finds that the First Minister acted in good faith and presented an accurate account of the Scottish Government's position on the issue raised with him in debate.
- The Panel concludes that the questions put to the First Minister by Mr Scott at FMQs were reasonable and made in good faith on the basis of information provided to him by external sources within the Scottish Interfaith Council.
- The Panel concludes that the circumstances surrounding this complaint serve as a reminder of the need for care in volunteering additional information in Parliamentary debate and recommends that the First Minister may wish to consider reminding Ministers of the importance of maintaining formal written audit trails.
- The report also presents a summary of key facts considered by the Panel and a description of the methodology it followed in investigating this complaint.

THE SCOTTISH MINISTERIAL CODE

The Ministerial Code sets out the standards of transparency, probity and propriety which the First Minister expects of his Ministerial team and which he has committed to observe himself. The Code is additional to the Code of Conduct for Members of the Scottish Parliament, which applies to all Ministers in respect of their MSP capacity and the duty upon Ministers, as public servants, to observe the law and to uphold the integrity of public life in Scotland. The practice since devolution has been for each First Minister to publish their own update to the Ministerial Code, to ensure that the provisions in the Code reflect their own expectations of the Ministers they appoint, as well as ensuring that the Code keeps pace with changes in the constitutional, political and regulatory landscape.

MANDATE OF INDEPENDENT ADVISERS

The First Minister announced on 18 June 2008, when publishing his updated version of the Scottish Ministerial Code, that he had appointed the Rt Hon Lord Steel and the Rt Hon George Reid to act as a Panel of independent advisers on matters relating to the Ministerial Code, where he deems it appropriate to do so. Section 1.4 of the Code provides that the First Minister may draw on the Panel to provide him with advice on which to base his judgement about any action required in respect of Ministerial conduct; and that the Panel's findings will be published.

The Code does not prescribe the scope, format or conduct of any inquiry the advisers may be asked to undertake. It is for the Panel to determine for itself how to act upon matters referred to it by the First Minister. The Panel's findings remain confidential until they are published by the First Minister, in consultation with the Panel.

This report sets out the findings of the Panel's first investigation under the arrangements set out in the current version of the Ministerial Code.

COMPLAINT MADE BY TAVISH SCOTT MSP

Tavish Scott MSP wrote to the First Minister on 15 January 2009 (copy attached at Appendix 1) to complain about an exchange they had had at First Minister's Questions (FMQs) on 8 January (transcript attached at Appendix 2) concerning the Scottish Interfaith Council (SIFC), and to ask that his complaint be referred to the Panel of independent advisers.

The exchanges at FMQs on 8 January, elements of which were revisited at FMQs on 15 January, centred around a question from Mr Scott in which he asked the First Minister why "dithering and delay" on the part of the Scottish Government had given rise to the risk that the SIFC might close, quoting from the redundancy notice the SIFC had issued to its staff. The First Minister responded to the effect that the matter had been resolved.

Mr Scott wrote to the First Minister later the same day questioning whether the issue had been resolved, following communication after FMQs from the Chief Executive of the SIFC to Mike Rumbles MSP in which she said she had not been notified that this was the case. A Point of Order was also raised in the Chamber by Mr Rumbles (transcript attached at Appendix 2) asking the Presiding Officer to facilitate the publication of relevant documentation in the Scottish Parliament Information Centre.

On 14 January, Fergus Ewing MSP, Mr Scott, Richard Baker MSP, Nicol Stephen MSP and Margo Macdonald MSP raised Points of Order (transcripts attached at Appendix 2) providing further commentary on the issues raised at FMQs on 8 January. As a consequence, the Presiding Officer advised Members that: *"as has been ruled from the chair on many occasions in the past, matters that are covered in the Scottish ministerial code are not for me. That includes the principle that ministers should give accurate and truthful information to the Parliament."*

At FMQs on 15 January, Mr Scott asked the First Minister whether he considered that the issue had been resolved at the time of their exchange at FMQs on 8 January and the First Minister indicated that his view remained that it had been. Mr Scott wrote to the First Minister the same day (copy attached at Appendix 1) to ask that the matter be referred to the Panel of independent advisers, to investigate whether, in describing the matter as resolved on 8 January, the First Minister had breached section 1(c) of the Ministerial Code, which reads: *"It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity"*

The First Minister wrote to Mr Scott on 19 January to confirm that the matter had been referred to this Panel.

METHODOLOGY OF INQUIRY

The First Minister referred Mr Scott's complaint in tandem to both members of the Panel. As David Steel was to be overseas for a period immediately following the referral, it was agreed that George Reid would take lead responsibility for investigating the circumstances of the complaint and assembling key information, with both members then considering the evidence and agreeing shared conclusions. Secretariat support was provided from the office of Sir John Elvidge, Permanent Secretary.

The Panel's inquiry was undertaken on the following basis:

Review of Documentation

The Panel was provided with material held by the Scottish Government and documents submitted by Mr Scott and other third parties. Material included transcripts of the exchanges at FMQs on 8 and 15 January and relevant Points of Order; a timeline prepared by the Scottish Government Equality Unit; email exchanges between the Scottish Government and the SIFC in December 2008 and January 2009; a press statement issued by the Scottish Government on 9 January; copies of the funding applications submitted by the SIFC; and emails sent by the SIFC to Members of the Scottish Parliament following FMQs on 8 January.

Interviews

Following a review of the documentation, George Reid interviewed the following parties:

- Tavish Scott MSP, Wed 11 Feb, Scottish Parliament
- Major Alan Dixon, ex-Convener of SIFC, Wed 11 Feb, St Andrews House
- Lesley Irving, SG Equality Unit, Thu 12 Feb, St Andrews House
- Fergus Ewing MSP, Minister for Community Safety, Thu 12 Feb, Scottish Parliament
- Rt Hon Alex Salmond MP MSP, First Minister, Thu 12 Feb, Scottish Parliament

In addition, Mr Reid met Paul Grice (Chief Executive of the Scottish Parliament) and Ken Hughes (Head of Directorate of Clerking and Reporting) on Thursday 12 Feb to obtain information on cases involving the Ministerial Code raised in Scottish Parliament since 1999.

Discussion of Preliminary findings

Having considered the outcomes of the interviews that had been conducted, George Reid discussed with David Steel the key facts arising and sought his views on the documentation provided.

Preparation of Final Report

On the basis of his discussion with David Steel, George Reid prepared and submitted a draft report to him for discussion and agreement. The two Panel members then met at St Andrew's House on 2 March and agreed, subject to some minor amendments, the format of the report to be submitted to the First Minister.

Submission of Final Report to First Minister

The Panel's report was submitted to the First Minister on 5 March.

EVIDENCE AND ANALYSIS

Throughout its Inquiry, the Panel has found it helpful to consider the key facts by expressing them in the form of a timeline. The points presented below represent, in the Panel's view, the key facts and events of relevance to the exchanges at FMQs. The timeline is annotated where the Panel considers that additional commentary is required to explain the relevance of a particular point.

- **19 March 2008:** Scottish Government Equality Unit wrote to the SIFC, the Unit's three other strategic partners and other relevant organisations, setting out arrangements for funding and inviting the submission of funding applications.
- **May 2008:** SIFC submitted an application to the Equality Unit for funding in the region of £320,000¹ (an increase of £200,000 compared to the previous year). The bid was for an expansion of the organisation's existing work rather than additional projects. The Unit considered the application and provided feedback to the SIFC highlighting concerns about a number of deficiencies in the application.
- **24 June 2008:** Equality Unit met representatives from the SIFC to discuss the feedback they had provided and to provide advice on how they might make their application stronger.
- **July 2008:** Equality Unit concluded, with the exception of the SIFC, the processing of funding applications from 130 organisations to the Race, Religion & Refugee Integration Funding Stream, and from three of the Unit's four Strategic Partners. The SIFC is the smallest of the Strategic Partners, although their funding bid was the second largest received from this group.
- **11 August 2008:** SIFC submitted redrafted application for a slightly reduced amount of funding².
- **September/October 2008:** Equality Unit assessed the redrafted application and gave feedback to SIFC, in which concerns were again expressed about the robustness of the application. Equality Unit offered to develop the SIFC's work plan but were unable to commit to a precise deadline for contributing to the workplan due to substantial other, unrelated pressures of business. The offer was declined by SIFC representatives.
- **7 November 2008:** Equality Unit met the SIFC to discuss their feedback and seek to agree next steps on work on the application.
- **November 2008:** The Convener of SIFC liaised with Equality Unit to share an outline of his developing views on the application.

¹Application was for £214,000 for 7 months of 2008-09, £318,000 for 2009-10, and £341,000 for 2010-11.

²Application was for £170,000 for 2008-09, £318,000 for 2009-10, and £338,000 for 2010-11.

- **10 December 2008:** SIFC informed Equality Unit that redundancy notices had been served to SIFC staff, in line with statutory requirements, and requested a meeting to discuss funding issues in January 2009. Equality Unit requested a more immediate meeting because a January meeting would be very close to the date when redundancy notices would take effect (16 January). A meeting was scheduled for 17 December.
- **17 December 2008:** The meeting took place. It was agreed that the SIFC should submit a final workplan in time for the Equality Unit to meet the SIFC on 13 January to finalise arrangements.
- **20 December 2008:** Following media enquiries, the Minister for Community Safety was briefed for the first time by the Equality Unit on the position in respect of the funding of the SIFC and their issuing of redundancy notices. He was advised that officials had always intended to recommend to Ministers that the Scottish Government was committed to continuing to fund the SIFC to the level provided in previous years, which would avoid the need for redundancies; but that there remained a need to discuss with the SIFC whether it wished the SG to consider supplementary bids for increased funding, as the two applications previously submitted were not considered sufficiently robust.
- **20 December 2008:** Minister for Community Safety briefed the First Minister on the position and committed to providing the SIFC later that day with an assurance that the Scottish Government would continue to fund the organisation to the level of previous years, in order that SIFC staff could be reassured before Christmas that there would be no need for redundancies, with the final detail of the SIFC's workplan to be agreed by 13 January.
- **20 December 2008:** Minister for Community telephoned the Convener of the SIFC, Major Alan Dixon, to give assurances that funding would be provided to the same level as previously received and that redundancies would not be necessary. He left two answer machine messages to this effect. Major Dixon responded, leaving an answer machine message for the Minister welcoming the reassurance. The Minister left a further answer machine message in response, thanking the Convener for his reply. The Minister telephoned the Equality Unit to confirm that he had called Major Dixon as agreed.
- **21 December 2008:** An article on the issue appeared in the Scotland on Sunday newspaper.
- **22 December 2008:** Equality Unit emailed Major Dixon commenting in general terms that it was hoped he had drawn reassurance from the coverage in the weekend media about the Government's position on the future of the SIFC.
- **5 January 2009:** Minister for Community Safety confirmed during a telephone call on other matters with the First Minister that the issue of redundancies at the SIFC and the risk of closure had been resolved and that redundancies would not be necessary.

- **6 January 2009:** Email received by Minister for Community Safety from Major Dixon (attached at Appendix 3), acknowledging and thanking him for the assurance he had given.
- **6 January 2009:** Equality Unit followed up with a telephone call to Major Dixon, in which he confirmed that he had understood the reassurance that had been given and confirmed that redundancies would not be necessary. The phone call was not followed up in writing.
- **8 January 2009 [12.00]:** Tavish Scott MSP asked the First Minister during FMQs why SIFC staff had been told they risked being made redundant. The First Minister commented that the matter had been resolved by Ministerial intervention and that the organisation would not close.
- **8 January 2009 [17.00]:** Points of Order were raised in the Parliament following communication between the Chief Executive of the SIFC and Mike Rumbles MSP asserting that she had not been notified that the matter had been resolved. After FMQs, Mr Scott wrote to the First Minister asking for written exchanges between the Government and the SIFC, confirming that redundancies would not be needed, to be provided to the Scottish Parliament Information Centre.
- **8 January 2009:** [pm] Equality Unit telephoned the Convener of the SIFC to express “astonishment” that the question of redundancies had been presented to other parties as being unresolved, when their understanding, based on exchanges the Convener had with the Minister and officials, had been that it had been resolved. Equality Unit restated that the SIFC would receive funding at the same level as previously (as stated by Mr Ewing on 20 December) and that there was therefore no risk of redundancies.
- **8 January 2009 [21:19]:** Convener of SIFC emailed Tavish Scott MSP claiming that the issue of funding, and therefore whether redundancies would be necessary, had not been resolved. While not explained to Mr Scott, nor shared at any time with the Equalities Unit, the Convener said later at interview that he was unsure whether the Government offer of £120,000 funding was sufficient to avoid the redundancy issue arising again towards the end of the incoming financial year.
- **9 January 2009:** Equality Unit telephoned the Convener of the SIFC again and he confirmed that all redundancy notices would be withdrawn on the basis that the Scottish Government would provide funding at no less than the level of previous years. Equality Unit communicated to Ministers that Major Dixon had confirmed that the position which Ministers and officials had understood to be the case prior to FMQs remained the case.
- **13 January 2008:** The Minister and the Equality Unit met the SIFC Board to review the situation and again confirm the assurance about continued funding first provided by Mr Ewing on 20 December. SIFC Board signed off, by majority vote, agreement with the Scottish Government to funding of £120,000. It was agreed that the SIFC

could consider applying for funding from the Government for additional projects, without guarantee that applications would be successful. Major Alan Dixon resigned his Convenorship of SIFC at this meeting.

CONCLUSIONS

No Breach of Ministerial Code

This Panel concludes that there was no breach of section 1(c) of the Ministerial Code by the First Minister in his answers to questions from Tavish Scott in Parliament on 8 January.

The First Minister addressed the specific question put to him on 8 January, which alleged that there was a risk of redundancies at the SIFC as a result of government “dithering and delay”. The First Minister’s comments were made not only in good faith, based on advice given to him by the Minister for Community Safety on 20 December and 5 January, but also accurately reflected the Scottish Government’s official position on the issue, which was that a guarantee of ongoing core-funding of £120,000 to the Council had been made by the Minister of Community Safety on 20 December and that the SIFC has confirmed that this resolved the immediate issue of redundancies. This position was further confirmed by the SIFC to the Scottish Government on 8 and 9 January and this confirmation was reflected in the First Minister’s responses to questions at FMQs on 15 January.

This Panel is clear that the First Minister’s comments were based on the information provided to him, and that his sole concerns were, in December, that the Scottish Government should act to remove any perceived threat of job losses from SIFC staff over the Christmas holiday period and to end speculation about the closure of the Council and, in exchanges in the Parliament in January, to make the Government’s position clear in a way that did not publicly undermine the reputation of the SIFC.

Volunteering Extra Information

This Panel believes that Ministers should show care in volunteering additional information in such situations, particularly when they have had no formal briefing on the issue.

In a supplementary answer on 8 January, in referring to the intervention of the Minister for Community Safety, the First Minister added that “due process had been completed”. The Panel agrees that this was a reasonable way to describe circumstances that entailed an issue being identified, a Minister receiving advice on the issue and taking a decision, that Ministerial decision being communicated to the beneficiary, and confirmation of that communication having taken place being fed back to other parties within the Scottish Government. However, the Panel also notes that the form the process took left some scope for improvement.

While the Minister for Community Safety's guarantee on 20 December of ongoing funding of £120,000 addressed the immediate issue of redundancies, agreements were not formalised in writing with the SIFC nor made public, and the evidence suggests that some members of the SIFC Executive Committee believed that this presented an opportunity to press the Scottish Government for additional funding up until the scheduled meeting with the Equality Unit on 13 January.

Although the Panel accepts that it was an understandable question for Mr Scott to put to the First Minister, given the nature of the briefing he had received from SIFC, we do not agree with the view put forward by him at FMQs that "dither and delay" can be solely attributed to the Government. The Panel finds that it was reasonable for the First Minister, based on the knowledge he had of the circumstances, to style his responses at FMQs in a way that rebutted criticism of the Government while preserving the confidentiality – at the time – of discussions with the SIFC about the quality of its funding applications. The Panel recognises that the nature of the Government's discussions with the SIFC during 2008 constrained its ability to release material into the public domain in the manner requested by a number of opposition MSPs.

Observations and Recommendations

The £120,000 grant provided to the SIFC forms a tiny part of the budget of the Scottish Government. Such matters should normally be resolved within civil service procedures and, in the course of interviews with parties in the funding process, the Panel has received a unanimous view that it was unfortunate that the funding process had become protracted and then subject to unusually high levels of political and public exposure.

In our view, the Council's ongoing funding became a public issue largely because members of the SIFC Executive Committee adopted a high risk strategy of leaving the withdrawal of redundancy notices until mid-January, only days before funding ran out, in the hope that funding closer to the £320,000 in the original bid could be secured. Some members of the Executive Committee chose to issue comments and briefings to people outside the decision-making process that were completely at odds with the understanding of the Scottish Government and the indications the SIFC had given to both the Minister and government officials. Regrettably, in our view, some of these briefings had no collegial base and were intemperate in tone and argument.

At no time was there ever cause for the Minister or officials to alter the advice given to the First Minister on 20 December, 5 January and in the immediate aftermath of FMQs on 8 January.

The Panel concludes that public uncertainties about what had been decided could have been settled earlier if the Minister for Community Safety and the Equality Unit had ensured that exchanges with the SIFC between 20 December 2008 and 8 January 2009 had been formally minuted and followed up. The Panel recognises that this would have been more difficult than normal because a number of key exchanges occurred around the Christmas holiday period. The Panel also recognises that the importance of doing so has been magnified significantly in hindsight.

The Minister for Community Safety and the Convener of the SIFC did not speak to each other about the guarantee of ongoing funding. Instead, they left messages on each other's mobile phones. Where they exist, written notes referring to these exchanges are brief, informal and simply record the guarantee of ongoing funding, the thanks of the Convener, and the intention to discuss further on 13 January. In consequence, the immediate issue of redundancies and closure was not formally recorded in writing, agreed by both sides, and made public either ahead of 8 January or, as noted by Mr Scott on 15 January, in the immediate aftermath of FMQs on the 8th.

Recommendation: the circumstances investigated by the Panel have emphasised the importance of maintaining a clear written audit trail around the processing of funding applications. The Panel advises that the First Minister may wish to invite his Ministers to reinforce this message within their portfolios.

This Panel is not mandated to investigate the efficiency and effectiveness of the Scottish Government Equality Unit or the SIFC; and this report alludes to such issues only where it considers that such commentary is material to explaining its conclusions on the complaint that has been referred to it. However, the Panel observes that it may be in the public interest for the Minister for Community Safety, the Scottish Government Equality Unit and the new Convener of the SIFC to reflect on any lessons that may be learned from the protracted application process undertaken during 2008 to ensure swifter and more satisfactory resolution of future funding applications. The Panel welcomes the stated commitment of the SIFC to review its governance structures and of the Scottish Government to support the future work of the SIFC.

APPENDIX 1

**LETTER FROM TAVISH SCOTT MSP TO FIRST MINISTER, 15 JANUARY
2009**



**Tavish Scott MSP
Leader of the Scottish Liberal Democrats**

Alex Salmond MSP,
First Minister,
The Scottish Government,
St Andrew's House,
Regent Road,
Edinburgh, EH1 3DG

15th January 2009

You will recall the Presiding Officer's comments in the Scottish Parliament after my point of order on Wednesday.

The Presiding Officer said:

"Members are aware that the content of ministers' responses to questions are matters for the ministerial code. As such, it is for ministers to respond to any complaint that is made under the ministerial code; it is not a matter for me."

It is in those circumstances under which I write to you today.

Your statement introducing the new Ministerial Code last summer included the following passage:

"The Government understands that public trust is not simply won for all time and that trust must continually be earned and sustained. That is why we are committed to maintaining the highest standards of ministerial conduct and parliamentary accountability."

You also referred to a new, independent panel.

"For the first time, there will be a panel of past Presiding Officers to guide the First Minister on the application of the code. I am delighted to announce that Lord Steel and George Reid have agreed to serve as members of that panel of independent advisers. Their integrity is beyond reproach, and their knowledge of ministerial and parliamentary procedures is unrivalled. Further, they are undoubtedly independent."

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*into
Fast track
cc KWH
Pringle*
FM OFFICE
15 JAN 2009

It is for these reasons that I write to ask you to refer to the independent panel your answer to me on Thursday 8th January on the Scottish Inter Faith Council.

The Ministerial Code states that:

"It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity."

Your answer to me suggested that the matter was "resolved". We now know that this was not the case when you made the statement to me and believe it important for you to return to the Scottish Parliament to correct the error.

The Ministerial Code provides you with the opportunity to use the independent panel:

"the First Minister may refer matters to the independent advisers on the Ministerial Code to provide him with advice on which to base his judgement about any action required in respect of Ministerial conduct."

It is clear to me that such a reference should take place in this instance.

I look forward to your urgent response.



Tavish Scott

TRANSCRIPT OF EXCHANGES AT FIRST MINISTER'S QUESTIONS AND POINTS OF ORDER

First Minister's Questions – 8 January

Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-1324)

The First Minister (Alex Salmond): The next meeting of the Cabinet will discuss issues of importance to the Scottish people.

Tavish Scott: I have a letter that was sent to all eligible staff at the Scottish Inter Faith Council on 11 December. It is their redundancy notice, which was sent by the convener of the executive committee, Major Alan Dixon. He writes:

"despite every reasonable attempt made by the SIFC Executive Committee on your behalf, core grant funding from Scottish Government beyond 16 January 2009 has not yet managed to be secured ... we are hereby giving you notice that your employment with SIFC will terminate on 16 January 2009."

Can the First Minister explain why it is the right time to risk closure of the Inter Faith Council through Government dithering and delay?

The First Minister: I am glad to inform Tavish Scott that the Inter Faith Council will not be closed, because the matter has been resolved. I hope that he believes that that is an example of effective action by the SNP Government.

Tavish Scott: I am delighted to hear that, but the First Minister needs to explain why redundancy notices were issued to all the staff at that time. If that is the case, we want that information to be put on the record and placed in the Scottish Parliament information centre today.

It is difficult to understand why, at this time of year, when the world is in the state that we see on our television news every day and when we have just had a parliamentary debate on Gaza, the Scottish Inter Faith Council was forced to issue redundancy notices before it could get straight answers from the Government. If the First Minister can now clarify exactly when the situation was resolved, we would all welcome that information.

The First Minister: Tavish Scott's correct response would have been to say, "I welcome the assurances that the First Minister has given. The Parliament should unite in welcoming the work of the Inter Faith Council." All organisations must submit their applications for funding, which must go through due process. Thanks to the intervention of the relevant minister, that due process has been completed. The Inter Faith Council's funding is secure and the damaging effects that Tavish Scott was

worried about will not come to pass. In this new year, cannot he find it in his heart to welcome the Government's effective action?

Tavish Scott: I certainly welcome that action. All I am asking the First Minister to do is to put on the record in Parliament exactly when that action was taken and why redundancy notices had to be issued. Can he do that today, please?

The First Minister: I welcome the fact that Tavish Scott has got round to welcoming our action. The record is this: when the issue came to pass because the funding position had not been resolved, the relevant minister intervened and resolved it. That is what happened—that is the process of events. I would have thought that any reasonable person, of whom there are plenty in the Inter Faith Council, would regard that as an example of effective government in action. No matter how many times Tavish Scott asks the question, he should welcome the fact that the issue—about which he was, no doubt, genuinely concerned—has been resolved.

Points of Order: 8 January 2009

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. At First Minister's questions, my colleague Tavish Scott raised the issue that staff at the Scottish Inter Faith Council had received redundancy notices because their funding from the Scottish Government had not been forthcoming. The First Minister said that his ministers had resolved the funding crisis at the Scottish Inter Faith Council. At 12.30, Pramila Kaur—the council's chief executive—confirmed that she had received no communication from the Scottish ministers about that.

Mr Scott asked Mr Salmond when the funding issue had been resolved and whether information on the timing of the decision would be lodged with the Scottish Parliament information centre. Presiding Officer, as the chair of the Scottish Parliamentary Corporate Body, will you use your good offices to facilitate the publication in SPICe of the important information about when the decision was made?

The Presiding Officer: That is not a matter for me as Presiding Officer to pursue.

Members: Oh!

The Presiding Officer: Order.

If the matter is to be pursued, that should be done between you and the First Minister. The matter is not for me.

Margo MacDonald (Lothians) (Ind): Further to the point of order that Christine Grahame raised, Presiding Officer. I say with the greatest respect that you ruled that there was discourtesy and that such behaviour comes under the heading of—
[*Interruption.*] I am referring to one of the points of order. Members are expected to be courteous to each other.

The Presiding Officer: You might have misheard me, Ms MacDonald. I did not say that anyone had been discourteous in today's debate.

George Foulkes (Lothians) (Lab): On a point of order, Presiding Officer. I find it difficult to agree with Mike Rumbles, given his recent remarks, but he is absolutely right.

The Presiding Officer: What is your point of order?

George Foulkes: What is your responsibility, Presiding Officer, if it is not to ensure that ministers tell the truth to the Parliament?

The Presiding Officer: This is not an issue of telling the truth to the Parliament, Lord Foulkes.

Members: It is.

The Presiding Officer: I do not think so, and I would prefer not to be questioned from the floor of the chamber. If members wish to speak to me, they can do so in other ways.

I refer the member to the good practice on announcements by the Scottish Executive, which sets out several methods by which the Government can make an announcement to Parliament, one of which is by answering a parliamentary question. I believe that that happened in the instance that we are discussing. If members wish to pursue the matter, they should do so with the First Minister. We have said enough on the issue.

First Minister's Questions – 15 January

Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-1350)

The First Minister (Alex Salmond): The next meeting of the Cabinet will discuss issues of importance to the people of Scotland.

Tavish Scott: As of this morning, parliamentary motion S3M-3226 has been signed by almost 50 members of the Scottish Parliament across the political parties. The motion calls on the First Minister to apologise for stating that the issue of funding for the Scottish Inter Faith Council was resolved when it was not. Will he apologise?

The First Minister: No, I will not. As Tavish Scott well knows, on 20 December, as soon as the minister was informed of the difficulties that were facing the Scottish Inter Faith Council, and because of that organisation's importance, he contacted it to assure it that its funding would be continued. It is possible that people outwith politics and those who have not been ministers might not understand that when a minister gives a commitment, that commitment is met. That is how the process works. Therefore, on 20 December, when Fergus Ewing gave that commitment, the issue

was settled in the best interests of the organisation and, because of the organisation's importance, in the best interests of Scotland.

Tavish Scott: Our issue is not with what Mr Ewing said but with what the First Minister said. Last week, the First Minister said four times that the situation was resolved, not that it would be or was being resolved. If the First Minister thinks that it was resolved last week, what on earth was Mr Ewing doing at a meeting on Tuesday night this week still trying to sort it out? Why was the Government unable to place a shred of written evidence into Parliament last week as I asked? Why did Government spin doctors scurry around journalists yesterday with an e-mail in which they forgot to delete the sentence that makes it plain that the issue was never going to be resolved until this week? However much he wants to, the First Minister cannot just make stuff up in response to parliamentary questions. [*Applause.*]

The Presiding Officer: Order.

Tavish Scott: In responding to the cross-party motion, the First Minister needs to do more than simply apologise. He needs to think before he speaks, and to choose his words so that they accurately reflect the true situation. People expect him to respect the values of the Parliament in his answers. Will that happen?

The First Minister: The e-mail from Major Dixon, to which Tavish Scott refers, was a response to the ministerial assurance. It welcomes Mr Ewing's intervention and his assurance that the funding will continue. The issue was resolved and settled. Clearly, the ministerial assurance is the thing that matters. That is what commits the Government. Once the ministerial assurance is given, the issue is resolved.

Iain Smith (North East Fife) (LD): Rubbish.

The Presiding Officer: Order.

The First Minister: I would have thought that Tavish Scott might be interested in a statement that was made by Major Dixon this morning. He said:

"The commitment of Ministers and the Scottish Government to the development of inter-faith relations is well documented and we are pleased to know that we continue to be one of its partners in this important work."

I would have thought that the chamber could unite around the fact that effective action by a minister resolved a funding issue and allowed the important work of the Scottish Inter Faith Council to continue.

I heard on the radio this morning that there had been an earthquake in Shetland. At about 3 on the Richter scale, it did not amount to much—rather like Tavish Scott's questions.

Points of Order: 14 January 2009

The Presiding Officer (Alex Fergusson): Before we move to the next item of business, I understand that Fergus Ewing wishes to raise a point of order.

The Minister for Community Safety (Fergus Ewing): With your permission, Presiding Officer, I would like to raise a point of order. Last week, at First Minister's question time, the issue of Government funding of the Scottish Inter Faith Council was raised, with the First Minister giving an assurance that the matter was resolved satisfactorily. For the avoidance of any confusion, I would like briefly to outline the sequence of events.

After being made aware of concerns regarding the Scottish Inter Faith Council's budget, I intervened by contacting the council on 20 December, giving assurances that its funding from the Scottish Government would continue. A public statement was issued to that effect. That assurance was acknowledged on 6 January—Tuesday of last week—by Alan Dixon, the convener of the SIFC's executive committee, in an e-mail to me in which he expressed his appreciation for my intervention on the funding issue and for my

"assurance that this will continue".

As with all matters involving grant funding, that assurance required subsequently to be set down in writing. It was on the basis of my formally acknowledged intervention that, last Thursday, the First Minister gave the assurances that he did to the Parliament. On the basis of the continued funding from the Scottish Government—for the rest of this financial year and the following two years—the SIFC has assured me personally that all staff posts in the organisation are secure.

I know that all members will continue to support the good work that the Scottish Inter Faith Council does. I hope that I have provided the confirmation that members may feel that they need.

The Presiding Officer: I am grateful to the minister.

I understand that Tavish Scott would also like to make a point of order.

Tavish Scott (Shetland) (LD): Further to that point of order, Presiding Officer, I am told that the funding for the Scottish Inter Faith Council was agreed last night at a meeting between the Government and the executive committee of the Scottish Inter Faith Council. That is of course good and we welcome it, but the Government continues to claim that the funding for the Inter Faith Council was "resolved" not last night, but before 12 noon last Thursday, 8 January. The Government's claim is not true. The First Minister said at question time:

"the matter has been resolved."—[*Official Report*, 8 January 2009; c 13822.]

He said not that it would be or is being resolved, but that it "has been resolved." That evening, last Thursday, I received an e-mail from the convener of the Inter Faith Council, Major Alan Dixon, which states:

"I understand that some concern has been expressed over the response from the First Minister when he indicated that matters relating to funding had been resolved. This is just to indicate that this is not so".

I reiterate the timing: that was last Thursday, after First Minister's question time.

Although the matter undoubtedly was being discussed by the Government and the Inter Faith Council—on that I absolutely accept the assurance that Mr Ewing has just given to the Parliament on his involvement—it was not resolved at the point at which the First Minister told Parliament that it was. To claim that the matter was resolved is to say that Major Dixon is not telling the truth.

Last Saturday, *The Herald* newspaper reported that civil servants telephoned the Inter Faith Council only after First Minister's question time. The paper reported that Major Alan Dixon confirmed that

"he only received a call from a civil servant at around 12.30pm, which would have been just as FMQ's ended."

As you know, Presiding Officer, my office has given you and the First Minister's office copies of the correspondence that I had. There is therefore absolutely no doubt that the situation was not resolved before 12.30 pm last Thursday, but the First Minister made exactly that claim on four separate occasions. Therefore, the First Minister misled Parliament. In the absence of any statement from the First Minister, neither I nor Parliament can know the reason for that. Regardless of the reason, the issue is a serious one for the Parliament. For nothing to happen as a result would have profound implications for the way in which we conduct our business.

I have taken advice on how such issues were handled in previous sessions of Parliament. There is ample precedent for clarifying statements and, indeed, for straight apologies to be made when something that was originally said was incorrect. In the absence of any such appropriate statement from the Government, I ask you, Presiding Officer, to protect members from being misled.

Richard Baker (North East Scotland) (Lab): Further to that point of order, Presiding Officer—

The Presiding Officer: I have not responded to the last one yet, Mr Baker.

Members are aware that the content of ministers' responses to questions are matters for the ministerial code. As such, it is for ministers to respond to any complaint that is made under the ministerial code; it is not a matter for me.

Richard Baker: On a point of order, Presiding Officer. In that case, I ask you to reflect further on whether the First Minister was in breach of rule 7.3.1 of the standing orders, given that there is no clarity—even following Mr Ewing's statement—that the First Minister did not mislead Parliament. Mr Scott's comments show clearly that the First Minister misled Parliament. I can confirm independently that Labour colleagues were contacted on Friday to be told that the issue had not

been resolved. Indeed, I was informed by the Scottish Inter Faith Council that new funding arrangements were agreed only last night.

I ask you, Presiding Officer, to use your offices to ensure that all correspondence on the issue from the Scottish Government is placed in the Scottish Parliament information centre. Finally, will you consider advising Parliament on whether the Standards, Procedures and Public Appointments Committee should discuss introducing rule changes so that in future you have authority over not only the asking of questions, but the answers?

The Presiding Officer: Thank you for your point of order, Mr Baker. I am not of the opinion that there has been a breach of the standing orders in this matter. As for taking the matter to the Standards, Procedures and Public Appointments Committee, that is for you to pursue, not me, and you are free to do so.

Nicol Stephen (Aberdeen South) (LD): On a point of order, Presiding Officer.

The Presiding Officer: Is this essential, Mr Stephen? If so, I will take your point of order, but we are eating seriously into the time for the budget debate.

Nicol Stephen: The issues raised are serious. Any member of the Scottish Parliament—in particular, any minister—knows that misleading Parliament, whether deliberately or not, is a very serious issue. Presiding Officer, I ask you to confirm that in the circumstances, the correct action is for the minister to contact your office and arrange to come to the chamber to correct the error at the earliest possible opportunity. I know from experience as a minister that there is clear precedent for such action.

The MSP involved, often at the prompting of the Presiding Officer, has in the past always dealt with such matters speedily and apologised to the Parliament. I ask you, Presiding Officer, to defend the interests of this Parliament and help to ensure that action is taken on the matter speedily and appropriately.

The Presiding Officer: Thank you.

"as has been ruled from the chair on many occasions in the past, matters that are covered in the Scottish ministerial code are not for me. That includes the principle that ministers should give accurate and truthful information to the Parliament."—
[*Official Report*, 11 February 2004; c 56903.]

Those are not my words; they are the words of my predecessor, George Reid.

Perfectly legitimate points have been made this afternoon; it is up to ministers to determine how they respond to them. If members wish to take the matter further through the Standards, Procedures and Public Appointments Committee, they are welcome to do so.

I suggest that we move on to this afternoon's debate—

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. With all due respect, although I accept that responsibilities are inherent in the ministerial code, it is your responsibility to ensure the probity of proceedings in this Parliament.

The Presiding Officer: It is the duty of all members to ensure probity in the proceedings of this Parliament.

I will reflect on these points of order later this afternoon and, if there is anything further to say, I will say it at decision time. I now seriously suggest that we move to the business in hand.

APPENDIX 3

EMAIL FROM MAJOR DIXON TO MINISTER FOR COMMUNITY SAFETY

From: Alan.Dixon@[REDACTED]
Sent: 06 January 2009 10:22
To: Ewing F (Fergus), MSP
Subject: Scottish Inter Faith Council

Dear Fergus,

Happy New Year.

Having just returned to my office after an extended Christmas holiday, as convenor of SIFC I wanted to express my appreciation to you for your attempts to make contact with me by leaving messages left on my mobile about the funding of SIFC and your assurance that this will continue.

You will be aware that we remain in contact with Civil Servants and have a meeting with them next week, when hopefully, we will be able to complete discussions and finalise the funding issue.

Special Greetings to Special People

Alan Dixon, Major
Assistant to The Scotland Secretary
The Scotland Office
12a Dryden Road
Loanhead
EH20 9LZ

Tel; [REDACTED]
Mobile [REDACTED]

APPENDIX 4

EMAIL FROM CONVENER OF SIFC TO TAVISH SCOTT MSP, 8 JANUARY 2009

From: alan.dixon@[REDACTED]
Sent: Thursday, January 08, 2009 9:19 PM
To: Scott T (Tavish), MSP
Cc: alan.dixon@[REDACTED]
Subject: E-mail from Scottish Parliament's Internet site for Tavish Scott MSP

This email has been sent to Tavish Scott MSP from the Scottish Parliament's Internet site

Sender's Name: Alan Dixon
Sender's Address: The Scotland Office of The Salvation Army
Dryden Road
Loanhead
Midlothian

Sender's Postcode: EH20 9LZ
Sender's Email: alan.dixon@[REDACTED]

Sender's Message: Dear Tavish,

On behalf of the Scottish Inter Faith Council I want to express our appreciation for the support given to our organisation when you raised questions with the First Minister regarding the redundancy notices we had issued to our staff.

...

I understand that some concern has been expressed over the response from the First Minister when he indicated that matters relating to funding had been resolved. This is just to indicate that this is not so, the SIFC Executives (mainly through myself) are still in discussion with the relevant government department about our funding application - covering the level of funding as well as areas of work to be undertaken. To further this discussion the SIFC Executives have a meeting with civil servants early next week.

I do not think the First Minister deliberately made an incorrect statement to you or the Parliament but I'm sure you will want to take this matter further with him, in a private capacity.

Alan Dixon, Major
Convenor
SIFC