

The Sturgeon-Salmond scandal

Sleaze and secrecy in the ruling party of government

Scottish
Conservative
& Unionist



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Foreword: Douglas Ross

This scandal is at boiling point. Secrecy and sleaze is engulfing the Scottish Parliament and Scottish Government, threatening to consume the entire leadership of the ruling party.

At stake is more than a political fight. This is about the fundamental issue of honesty and truth in government. It's about the basic question of right and wrong. It goes to the heart of our democracy.

The First Minister stands accused of lying to the Scottish Parliament and breaking the Ministerial Code. The SNP chief executive stands accused of abusing his power. Senior government officials stand accused of dreadful mistakes and terrible lapses of judgement.

As the largest opposition party in Scotland, it is the duty of the Scottish Conservatives to hold the government to account. We are rising to the challenge.

In the Salmond inquiry, we have been a strong opposition. At every turn, we have fought their attempts to shut down scrutiny.

The Scottish Conservatives led opposition parties in defeating the SNP twice in Parliament, demanding they release key legal advice. We are seeking to unite the opposition on this once more.

Murdo Fraser and Margaret Mitchell have led the interrogation of committee witnesses. Ruth Davidson has exposed the glaring flaws at First Minister's Questions.

We have pursued the government relentlessly over their failures and we will not stop because the public – especially the women at the heart of this sorry affair – need answers.

In response, the First Minister has dodged questions, shut down scrutiny and set up every conceivable straw man to hide what really happened.

We do not accuse her of conspiracy, as she tries to claim. We accuse her of lying.

She is not on the women's side, whatever she proclaims. Her government let them down, and stands accused of leaking one of their names to Salmond's side.

We are not on Salmond's side, another straw man she has used. His actions are unacceptable. But they do not negate the First Minister's own inexcusable actions, albeit of a different nature.

The Scottish Conservative charge against Nicola Sturgeon is simple. She has abused the power of her office and government to cover up what really happened, what she knew and when she knew it.

In this document, you will find evidence of 14 resignation matters and more than 30 Ministerial Code breaches.

The weight of evidence is overwhelming – and this is only what we know about. So much more continues to be hidden.

Signed,



Scottish Conservative leader, Douglas Ross



What did Nicola Sturgeon know – and when?

From the outset, uncertainty has plagued the question of what Nicola Sturgeon knew - and when?

In the Scottish Parliament, Sturgeon said she was no “office gossip”. But to the public, it looks like she ignored the “office gossip” for a decade.

One of Sturgeon’s closest allies, former SNP Westminster chief Angus Robertson, was told of Salmond’s “inappropriate” behaviour in 2009.

The 14 criminal allegations – of which Alex Salmond was fully acquitted – stemmed from the six years prior to the 2014 independence referendum.

Another complaint was “dealt with” informally in 2013 by the Scottish Government.

Sturgeon was Deputy First Minister from 2011 to 2014. Salmond was her closest political ally.

She denies any knowledge.

Sturgeon claims to find out on 2 April 2018

When the news of Salmond’s alleged behaviour finally broke, Sturgeon denied any prior knowledge.

Instead, she claimed to first find out on 2 April 2018.

When asked if she knew before then, she said “absolutely not.”

She said April was “the first I had known.”

She told the Scottish Parliament “Alex Salmond informed me” on 2 April.

Sturgeon knew of a complaint in November 2017

On 4 November 2017, then-SNP minister Mark McDonald resigned. Four women would accuse him of inappropriate behaviour. He apologised to two of them.

On that same day, Sky News approached the SNP about an alleged incident involving Salmond at Edinburgh Airport years earlier.

Sturgeon discussed the allegation with her chief of staff, Liz Lloyd.

And her chief executive, Peter Murrell.

And her chief civil servant, Leslie Evans.

Sturgeon did not reveal these conversations for 21 months. There are no records of any of them.

Sturgeon said she found out first in April 2018. Now it’s clear that she actually knew in November 2017.

Case closed, right? She has misled Parliament.

No – the SNP spin machine has gone to work. The Scottish Government investigation on Alex Salmond did not cover this specific claim, so Sturgeon pretends that it does not count.

She spins it out of existence.

She has to – otherwise she misled Parliament with at least five different false statements.

Sturgeon's secret meeting in March 2018

But five months later, in March 2018, a meeting took place that Sturgeon cannot spin out of existence.

So instead, when it was uncovered, she claimed to forget all about it.

The secret meeting took place in her office, where she met Alex Salmond's former chief of staff, Geoff Aberdein.

They discussed "allegations of a sexual nature."

But within a year, she claimed to have forgotten about it.

Sturgeon omitted it from statements and answers in the Scottish Parliament.

She did not confirm the secret meeting occurred for more than two years.

She claimed to remember it in "late January/early February 2019."

But, still, she didn't mention it to Parliament. She didn't correct the official record. She didn't even acknowledge its existence until she was required to submit evidence to the inquiry – 18 months after it happened.

The Scottish Government still denied its existence for months.

Sturgeon now says the meeting "never held any significance."

If Sturgeon's original statement was the truth, then this meeting was the first time she heard of sexual allegations about her friend and mentor of 30 years, Alex Salmond.

Would anyone ever forget a moment like that?

The moment they found out about allegations against their closest ally?

Unless it wasn't the moment she found out - and she already knew.

Did she know before the secret meeting?

Sturgeon claimed the secret meeting was "fleeting" and "opportunistic".

She said Salmond's former chief of staff was visiting a colleague and popped in to see her.

But Alex Salmond's evidence entirely contradicts her evidence – and crucially, he has witnesses.

Salmond said he was told of the meeting on 28 March – the day before it happened.

Evidence states it was "pre-arranged" and Sturgeon knew exactly what it was about.

She has had to deny that – because otherwise there is no explanation for there being no record of a meeting in her office discussing a government investigation.

And it would mean she misled Parliament twice when she claimed the secret meeting happened by chance.

But there's more to this than the secret meeting. There are other signs Sturgeon knew even before the secret meeting.



Sturgeon's inner circle knew of the investigation

The government investigation of Alex Salmond officially began in January 2018, although the first steps occurred months earlier.

Salmond found out about sexual allegations against him in early March 2018.

And key people within Sturgeon's inner circle knew that complaints had been made .

Sturgeon's chief civil servant knew of a complaint in November 2017.

Two other senior civil servants, 'directors' in Sturgeon's government, knew of a complaint that November.

Sturgeon's chief secretary met with one of the complainers, apparently within Sturgeon's office.

A civil servant who later investigated the complaints knew at that point, as did the civil servant who appointed her.

The most damning evidence of failing the women

But the most unexplainable point, suggesting that Sturgeon knew long in advance, is that complainant's name was apparently leaked to Salmond's side.

Salmond says he was told one of their names from his former chief of staff, who was told by a senior government official.

Crucially, the Sunday Times has reported that evidence from Salmond's former chief of staff's backs this up.

If true, it is the most devastating breach of those women's confidence.

But it was not only a breach of privacy and confidentiality.

It also indicates that information was spreading freely throughout the government about the investigation at least as early as March 2018.

It raises even more serious questions about Sturgeon's claim to only find out in April 2018.

But whatever the truth may be, it is beyond doubt that most of Nicola Sturgeon's inner circle knew of complaints long before April 2018, when the First Minister claims to have found out.



The ‘botched’ government investigation

The government investigation was unlawful. They developed a new procedure at pace which was riddled with defects.

It is important to say straight away that we reject any conspiracy theories.

However, a series of facts do show terrible mistakes and lapses of judgement from government officials.

It is a fact that the first draft of the new procedure for investigating former ministers was created on 7 November 2017, three days after the First Minister, her chief of staff and the SNP chief executive received news of a claim about Salmond from Sky News.

It is also a fact that Sturgeon’s chief secretary met with a complainer on 20 and 21 November, and the following day, Sturgeon told her chief civil servant that former ministers should be included in the new procedure.

It is also a fact that, on 29 November, Sturgeon held a meeting with her chief civil servant to discuss the procedure. The meeting was not included in government records supplied to the inquiry. Until that day, the procedure required her to be informed of the complaints process against Salmond.

It is also a fact that Sturgeon gave handwritten notes on the policy, which have been destroyed.

It is also a fact that, on 29 November, Sturgeon held a meeting with her chief civil servant to discuss the procedure. Until that time, the procedure required her to be informed of the complaints process against Salmond. Later, the meeting was not included in government records supplied to the inquiry.

It is a fact that the new procedure was signed off by Sturgeon and her chief civil servant on 20 December 2017 but did not appear on the

Scottish Government’s internal website until 8 February 2018. By that time, two complaints had already been made under the procedure.

It is also a fact that women came forward with valid complaints about Alex Salmond’s behaviour, which he admitted was inappropriate in court.

The women were let down by a botched government investigation. The mistakes were entirely the fault of the SNP Government and nobody else.

In our eyes, the evidence does not show conspiracy.

But it does show gross incompetence. It shows a pattern of monumental mistakes.

And, when placed under the SNP’s usual cloud of secrecy, it fuels suspicion that the First Minister and her team were acting in the knowledge that the policy would be used to investigate Alex Salmond.

That does not mean they were ‘out to get him’. But it does mean they are not being honest.

“The evidence shows gross incompetence and monumental mistakes”.

The disastrous handling of the judicial review

Appalling errors in the investigation were compounded by the disastrous handling of the judicial review, through which Salmond challenged how the government handled the complaints.

The central question is - why did they keep fighting the judicial review when they knew their case was doomed?

That decision cost taxpayers more than £500,000. Maybe over £1 million. We don't know for sure because the SNP Government won't reveal their internal legal costs.

In his evidence, the Lord Advocate admitted the government knew of at least one fatal flaw in their investigation by October 2018. That should have been the moment to reconsider.

The Sunday Mail has reported that the government's senior counsel, Roddy Dunlop QC, told the government as early as October 2018 that Salmond was likely to win the judicial review. That should have raised alarm bells.



After that point, there were 17 meetings to discuss the judicial review. 17 times they could have stopped.

Sturgeon's chief of staff attended three of those meetings.

Sturgeon herself attended on 13 November, alongside her chief civil servant and chief of staff.

Two weeks after the fatal flaw was known to the government, this crunch meeting was the key opportunity to stop before the costs spiralled out of control. Instead, they pushed on.

In late November, according to Salmond, a special adviser told a witness to the criminal case that the government knew they would lose the judicial review.

On 6 December, the SNP Government opposed a court motion for more documents. They lost a week later. Still, they did not concede.

By 19 December, according to the Lord Advocate's evidence, documents were handed over that contradicted the government's previous arguments. Still, they did not concede.

On 21 December, the government's case collapsed beyond all doubt. Still, they did not concede.

On 28 December, the government's counsel threatened to resign. Still, they did not concede.

On 8 January, the SNP Government finally gave in to what they knew months beforehand - their case was doomed from the outset.

The procedure has not been corrected.

The telltale signs of a cover up

Broken promises of co-operation

In the Scottish Parliament, Sturgeon promised both her party and government would “co-operate fully” with the inquiry.

She committed to “provide whatever material” was requested.

But for the first time ever, the Scottish Parliament had to use a Section 23 Order to release documents from the Scottish Government.

And the SNP ignored two votes in Parliament on releasing the Salmond judicial review legal advice.

And the SNP MSP in charge of the inquiry said they have been “obstructed” and “frustrated” by her own party’s government.

And SNP Government lawyers have blocked a key witness from attending and shut down their evidence.

And the SNP have paid for officials to be coached.

In total, the SNP have rejected more than 50 requests for documents from the Scottish Parliament, committee and via freedom of information law.

False evidence and changing stories

Four government officials have had to correct false statements.

Sturgeon’s chief civil servant had to correct evidence downplaying the role of Sturgeon’s chief of staff in the judicial review.

Sturgeon’s head of cabinet had to correct evidence about rumours of sexually inappropriate behaviour.

Two directors in Sturgeon’s government had to change evidence. One about a message they claimed not to receive, another about what they said to complainers.

But SNP chief executive Peter Murrell’s evidence was on another level.

Murrell is accused of committing perjury.

He contradicted his own evidence three times.

Then he contradicted Sturgeon and claimed her meetings with Salmond were government business, which would mean she misled Parliament and broken the Ministerial Code.



Did Sturgeon break the Ministerial Code?

What does the Ministerial Code say?

There are three sections of the Ministerial Code that Nicola Sturgeon has been accused of breaking.

Section 1.1 (c) of the Ministerial Code states Ministers should resign if they knowingly mislead Parliament.

Section 2.30 of the Ministerial Code states Ministers must follow legal advice at the earliest possible opportunity.

Section 4.22 of the Ministerial Code states Ministerial meetings with external individuals must be recorded.

Did Sturgeon break Section 1.1?

On five occasions, Sturgeon claimed she found out of the complaints from Salmond himself on 2 April 2018.

On two occasions, Sturgeon claimed the secret meeting with Geoff Aberdein was not planned.

On six occasions, she promised full co-operation with the inquiry and to release any material requested.

At least once, she claimed to have no knowledge how the investigation was being handled.

At least once, she claimed she didn't offer to intervene.

In total, evidence suggests Sturgeon has misled the Scottish Parliament at least 15 times.

Did Sturgeon break Section 2.30?

The judicial review was doomed from the outset because of serious flaws in the investigation and procedure.

From late October, possibly earlier, the SNP Government was aware of flaws in its investigation.

By mid December, the SNP Government were

aware of a numerous of irredeemable mistakes.

Sturgeon had dozens of opportunities, every day from 31 October onwards at the earliest, to take the legally correct course of action.

The Ministerial Code would have been broken every time Sturgeon received advice that the government was going to lose the judicial review and continued anyway.

There were at least 17 meetings between the Scottish Government and counsel. Each of those would be a breach of the Ministerial Code, if Sturgeon knew the advice offered and didn't intervene.



Did Sturgeon break Section 4.22?

Sturgeon held five discussions with Salmond throughout the summer of 2018.

There are no records of what was said at those meetings.

Both Salmond and SNP chief executive Peter Murrell have said the meetings were government, not party business.

Sturgeon spoke to her chief civil servant about the Salmond meetings in early June.

But six weeks later, she met Salmond again, without an official present or any record taken.

In total, she may have breached Section 4.22 up to six times by meeting Salmond and his former chief of staff on government business, and concealing the meetings from government officials.

The charge sheet of resignation matters

This is a condensed list of the accusations that would be resignation matters for the First Minister, her chief civil servant, her chief of staff, her government directors, and her party chief executive.

1. Costing taxpayers more than £500,000 by using an extremely flawed policy.

2. Dooming the investigation by failing to even follow the correct steps in the flawed procedure.

3. Leaking a complainant's name to Alex Salmond's side.

4. Breaking the Ministerial Code by fighting the judicial review against legal advice, running up a bill of several hundred thousand pounds.

5. Ignoring a court order to hand over documents.

6. Pressuring the police to act.

7. Leaking the investigation report to the press.

8. Misleading Parliament by promising co-operation.

9. Misleading Parliament about when the complaints were known of.

10. Misleading Parliament about what was said at the Sturgeon-Salmond meetings.

11. Misleading Parliament about a secret meeting.

12. Misleading Parliament by denying knowledge of how the investigation was proceeding.

13. Breaking the Ministerial Code by keeping no records of government meetings.

14. Committing perjury before the committee



**14 RESIGNATION MATTERS
FOR THE FIRST MINISTER
AND HER INNER CIRCLE**

Annex: supporting evidence

Key people

Nicola Sturgeon | First Minister

John Swinney | Deputy First Minister

Leslie Evans | Sturgeon's chief civil servant / permanent secretary

Liz Lloyd | Sturgeon's chief of staff

John Somers | Sturgeon's chief secretary / principal private secretary

Nicola Richards | Scottish Government director of people

Barbara Allison | Scottish Government director and senior civil servant

Gillian Russell | Scottish Government director and senior civil servant

Peter Murrell | SNP chief executive

Judith Mackinnon | Head of people and investigating officer

Development of the procedure

• **2 November 2017: Permanent Secretary Leslie Evans announces a review of the Scottish Government's complaints procedure.** An email sent to Scottish Government staff from Leslie Evans stated: 'I have agreed with the First Minister that we will review our policies and processes to check that they are effective.' (Committee on the Scottish Government Handling of Harassment Complaints, PCS Written Evidence, 4 August 2020, [link](#)).

• **4 November 2017: Sturgeon informed of a Sky News enquiry about allegations of sexual misconduct against Salmond.** These allegations, which took place at Edinburgh Airport, were separate to the ones later investigated by the Scottish Government, Sturgeon was aware of allegations of sexual misconduct against Mr Salmond. (Salmond Inquiry, Peter Murrell Oral Evidence, 8 December 2020, [link](#); Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).

• **4 November 2017: Liz Lloyd claims to have informed Sturgeon of the Sky News enquiry, contradicting Peter Murrell's evidence.** Peter Murrell claimed that Sturgeon and himself found out about this claim 'simultaneously' from an email from an SNP Parliamentary press officer. However, Liz Lloyd stated 'I informed the First Minister of the query'. (Salmond Inquiry, Peter Murrell Oral Evidence, 8 December 2020, [link](#); Scottish Parliament, Liz Lloyd Written Evidence, Accessed 9 February 2021, [link](#)).

• **7 November 2017: First draft of the new procedure that could be applied to former ministers was created.** Scottish Government documents confirm 'The first version of a new procedure that could be applied in respect of former Ministers was created on 7 November 2017.' (Scottish Government, Development of the Procedure – Chronology of Events, Accessed 2 February 2021, [link](#)).

• **7 November 2017: Ms B notified SNP Government officials of her complaint against Alex Salmond.** Alex Cole Hamilton MSP stated: 'It is a matter of public record that Ms B first notified officials of her complaint against Alex Salmond on or around 7 November 2017' to which Leslie Evans responded: 'A concern was raised by a whole range of people in November 2017'. (Salmond Inquiry, Leslie Evans Oral Evidence, 18 August 2020, [link](#)).

• **November 2017: Sturgeon and Evans discuss the Sky News query.** Leslie Evans confirmed in an evidence session: 'I mentioned to the First Minister that Mr Salmond had been in touch with staff about an Edinburgh airport incident that Sky News was investigating. I told her about that and said that I was concerned, mostly because the staff were anxious about it.' (Salmond Inquiry, Leslie Evans Oral Evidence, 18 August 2020, [link](#)).

• **17 November 2017: Liz Lloyd receives a draft copy of the new procedure which included conduct of former ministers.** Lloyd's written submissions states 'a copy of the draft policy [was] being provided to me on the 17th November 2017... The initial draft note, contained in the email sent to me at 11.28 includes reference to the "conduct of current or former ministers".' (Scottish Parliament, Liz Lloyd Written Evidence, Accessed 9 February 2021, [link](#)).

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- **20 & 21 November 2017: Meeting takes place in Sturgeon’s office between Sturgeon’s Principal Private Secretary and one of the complainers.** When giving evidence to the Salmond Inquiry, John Somers stated that during the Judicial Review: ‘I declared two calendar entries for 20 and 21 November 2017, when I met Ms A at her request. For clarity, in both those meetings, the only people in the room were myself and Ms A.’ According to Salmond, this meeting took place in Sturgeon’s office. (Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#); Salmond Inquiry, John Somers Oral Evidence, 1 December 2020, [link](#)).
 - **22 November 2017: Sturgeon writes to Leslie Evans stating that former ministers should be included in the review of sexual harassment complaints procedures.** (Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).
 - **23 November 2017: Leslie Evans told by SNP Government officials that statements have been collected concerning allegations against a former minister.** An email states that the Permanent Secretary will want to be aware that ‘Reports to GR [Gillian Russell] and BA [Barbara Allison] of allegations against former minister. 2 statements taken by GR and BA from members of staff’. (Scottish Parliament, Document 2FN15, Accessed 9 February 2021, [link](#)).
 - **24 November 2017: A draft version of the procedure is sent to the First Minister.** (Scottish Government, Development of the Procedure – Chronology of Events, Accessed 2 February 2021, [link](#)).
 - **Late November 2017: Leslie Evans is aware of concerns that had been raised regarding Salmond’s conduct when he was First Minister.** (Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).
 - **29 November 2017: SNP Government officials state that one of the complainers indicated they wanted to speak to Sturgeon.** Nicola Richards asked Gillian Russell and Barbara Allison if the complainers wanted to speak to anyone else about their complaints. An email from Gillian Russell to Barbara Allison stated: ‘I agree that Ms A did indicate that she wanted to speak direct to FM.’ (Scottish Parliament, Document 2FN17, Accessed 9 February 2021, [link](#)).
 - **29 November 2017: Barbara Allison says to one of the complainers that they will share a draft copy of the complaints procedure.** Allison’s email to Ms A states: ‘Nicky [Nicola Richards] would like to share with you the developing policy for handling complaints against former and current ministers.’ (Scottish Parliament, Document 2FN17, Accessed 9 February 2021, [link](#)).
 - **29 November 2017: Sturgeon meets with Evans discussing the development of the proposed procedure.** This happened on the same day that Nicola Richards and Leslie Evans had discussions over the procedure. Richards had also discussed that day whether Ms A or Ms B wanted to inform anyone else of their complaints. (Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).
 - **5 December 2017: Judith MacKinnon and Nicola Richards sought Ms A’s views on the draft policy.** The SNP Government’s evidence confirms on 5 December, Richards and MacKinnon ‘sought views on draft policy’ including whether this would have helped her at the time and how to put in place safeguards. (Scottish Parliament, Document 2FN18, Accessed 9 February 2021, [link](#)).
 - **7 & 8 December 2017: Judith MacKinnon meets with Ms B.** Across these two meetings, Ms MacKinnon shared options with Ms B about the next steps, including whether she wanted to come forward with a complaint and if she wanted to do that anonymously. (Scottish Parliament, Document 2FN18, Accessed 9 February 2021, [link](#)).
 - **14 December 2017: Both complainers asked if they had made a decision on whether to pursue a formal complaint.** SNP Government officials asked if they ‘had made a decision on next steps and whether they wish to make formal complaints.’ (Scottish Parliament, Document 2FN18, Accessed 9 February 2021, [link](#)).
 - **14 December 2017: Ms A told that Judith MacKinnon will likely be the Investigating Officer.** An email from Nicola Richards to Ms A confirms: ‘it is likely that Judith would take the role of the senior officer’. (Scottish Parliament, Document 2FN18, Accessed 9 February 2021, [link](#)).
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- **20 December 2017: New complaints procedure is signed off by Sturgeon and Evans.** Leslie Evans confirmed under questioning from the Committee that ‘It was signed off by the First Minister, as you have seen from the paperwork, on 20 December.’ (Official Report, Committee on the Scottish Government Handling of Harassment Complaints, 18 August 2020, [link](#); Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).
 - **Paragraph 10 of the Procedure states that the Investigating Officer must not have prior contact with the complainers.** The procedure states that relating to the appointment of the Investigating Officer, ‘that person will have had no prior involvement with any aspect of the matter being raised.’ (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).
 - **16 January 2018: Judith MacKinnon meets with Ms A the day before complaints are formalised.** An email sent on behalf of Nicola Richards confirms a meeting took place on 16 January 2018 where Ms A, Judith MacKinnon and Nicola Richards were in attendance. (Scottish Parliament, Document 2FN20, Accessed 9 February 2021, [link](#)).
 - **17 January 2018: Two complaints about Alex Salmond’s behaviour were formally made under the SNP Government’s new complaints procedure.** This procedure, signed off by Sturgeon a month earlier, included provisions for complaints made against former ministers. (Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).
 - **January 2018: Judith MacKinnon took on the role of investigating officer once formal complaints had been lodged.** (Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).
 - **8 February 2018: For the first time, the new procedure was published on the Scottish Government’s intranet.** This took place after the first complaints had been initiated under the procedure and after Judith MacKinnon’s appointment as Investigating Officer of the complaints. (Scottish Government, Development of the Procedure – Chronology of Events, Accessed 2 February 2021, [link](#)).

The handling of the judicial review

- **6 March 2018: Salmond’s team informed that a Scottish Government process investigating him was taking place.**
- **7 March 2018: Leslie Evans writes to Alex Salmond informing him of the investigation taking place under the Scottish Government procedure.** Evans wrote to Salmond that an internal investigation commenced on 17 January 2018 in response to two formal complaints about his behaviour from civil servants. (Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).
- **2 April 2018: Sturgeon suggests she will intervene in the process in favour of mediation but the offer was rejected by the Permanent Secretary, Salmond claims.** Salmond’s written submission states: ‘In the meeting of April 2nd the First Minister had suggested that she would intervene in favour of a mediation process at an appropriate stage. She subsequently decided against such an intervention. In the event, our proposals of 4th April 2018 seeking mediation were rejected by the Permanent Secretary without them even being placed before the complainers as an option.’ (Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#)).
- **22 April 2018: Sturgeon arranges a phone call with Salmond.** Sturgeon says to Salmond that during the day she would ‘not be able to talk openly’ as other people would be present with her and that it would be later in the day until she could speak freely. The call ends up happening the next day. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).
- **3 June 2018: Salmond advises Sturgeon that his prospects of success in a judicial review contesting the investigation were ‘excellent’.** Salmond sent Sturgeon a text saying: ‘I was intending to give you sight of the petition for JR drafted by senior counsel. You are a lawyer and can judge for yourself the prospects of success which I am advised are excellent.’ (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).
- **5 June 2018: Sturgeon offers to meet Alex Salmond to discuss ‘what I need to do’.** Sturgeon responds to Salmond’s text from the 3 June 2018 by saying: ‘Hi - I have been considering your

message and what I need to do in light of it. If you still want to meet, I can do tomorrow evening in Edinburgh and update you then. N'. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **5 June 2018: Salmond's legal team writes to Leslie Evans warning that the procedure was unlawful on several grounds.** This letter set out multiple objections regarding the procedure and the conduct that it had been carried out with. His legal Counsel concluded on the grounds of retrospectivity, absence of jurisdiction and multiple examples of procedural unfairness meant the process was inherently flawed and unlawful. (Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#)).

• **6 June 2018: Sturgeon writes to Leslie Evans informing her of her knowledge about the complaints against Salmond and warning that she believed Salmond was likely to take legal action against the decision.** Sturgeon states she received a message on 3 June 2018 from Salmond and the 'tone and content' of the message left her concluding that Salmond was considering legal action against the government. Sturgeon wrote to the Permanent Secretary on 6 June 2018 telling her as such. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **7 June 2018: Sturgeon and Salmond meet in Aberdeen.** Following on from their text messages, Sturgeon and Salmond meet. In this meeting, Sturgeon claims she made Salmond aware that she had written to the Permanent Secretary and made clear that she would not intervene in this process. Salmond concurs with this account which he said was in contrast to the first meeting where Sturgeon was in favour of making an intervention. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#); Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#)).

• **5 July 2018: Salmond confirms Evans rejects an offer for arbitration and encourages Sturgeon to persuade Evans that arbitration is the best solution.** Salmond's texts to Sturgeon states: 'There remains a way to resolve this but it requires the PS to be encouraged to accept that confidential arbitration offers the best solution and to ensure that the FOI is carefully handled. I hope you will do so but time is now very short.' (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **14 July 2018: Sturgeon and Salmond discuss arbitration.** By this stage, Sturgeon claimed that Salmond had formed a belief that she was blocking arbitration. She said this was not the case and she was not involved in the decision. She also suggested to Salmond that he focus on the substance of the complaints and not the procedure. Salmond claimed that he simply asked Sturgeon to state that she was not against arbitration. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#); Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#)).

• **18 July 2018: Salmond claims Sturgeon phoned telling him his offer of arbitration has been rejected.** Salmond's evidence confirms 'On 18th July 2018 the First Minister phoned me at 13.05 to say that arbitration [Salmond's offer] had been rejected and suggested that this was on the advice of the Law Officers. She urged me to submit a substantive rebuttal of the specific complaints against me, suggested that the general complaints already answered were of little consequence and would be dismissed, and then assured me that my submission would be judged fairly.' (Scottish Parliament, Alex Salmond Evidence to the Hamilton Inquiry, 9 January 2021, [link](#)).

• **21-23 August 2018: Investigation into the complaints concludes and Salmond launches a judicial review of the decision.** On 22 August 2018, the Permanent Secretary notified Alex Salmond of the 'Decision Report', finalised the previous day, regarding the conclusion of the investigation into two complaints about his behaviour during his time as First Minister. The next day, Salmond's solicitors notify the Scottish Government they intend to pursue a judicial review of the decision. (Scottish Parliament, Scottish Government Participation in Judicial Review, 20 July 2020, [link](#)).

• **20 September 2018: The Scottish Government confirms its intention to contest the judicial review.** (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **Late October 2018: Lord Advocate confirms that prior contact between the Investigating Officer and the complainers was known.** In his evidence session before the Salmond Inquiry, the Lord Advocate confirmed: 'in late October, as I understand it, those who were involved in the litigation appreciated that there had been

contact between the investigating officer and the complainers, the interpretation of paragraph 10 was immediately focused on as a question that needed to be asked and answered.’ (Committee on the Scottish Government Handling of Harassment Complaints, Lord Advocate Evidence Session, 17 November 2020, [link](#)).

• **31 October 2018: Roddy Dunlop QC states that he believes Alex Salmond will win the judicial review case.** Roddy Dunlop QC was asked for an opinion on the prospect of success for Alex Salmond in the judicial review case. His response was that Salmond was likely to win. This advice was ignored by the SNP Government. (Daily Record, 31 January 2021, [link](#)).

• **2 November 2018: Liz Lloyd attends legal Counsel session.** Lloyd was attending the meeting representing Sturgeon’s interests. The SNP Government began to identify and collate documents relevant to the extent of contact between government officials and the complainers. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **13 November 2018: Sturgeon attends legal Counsel along with the Permanent Secretary and Liz Lloyd.** At this stage of the judicial review, a motion for the Commission and Diligence for the recovery of documents had been initiated by Salmond’s legal team. They sought documents relating to the timing and means of the complaints, how the complaints were formalised and how the procedure came into force. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **16-21 November 2018: Documents were sent by the SNP Government to Salmond’s lawyers regarding prior contact of the Investigating Officer with the complainers.** The SNP Government’s timeline confirms that the documents sent to Salmond’s legal team included ‘correspondence relating to prior contact of the Investigating Officer with the complainers prior to her appointment as Investigating Officer’. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **6 December 2018: The SNP Government opposes a court motion asking for more documents to be produced.** Salmond’s lawyers submitted a motion in court for the Commission and Diligence for the recovery of documents. The Scottish Government opposed the motion. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **14 December 2018: The SNP Government loses the court motion and is forced to produce further documents in relation to the case.** A procedural hearing took place at which the court granted a Commission to take evidence made on behalf of Alex Salmond. This meant further documents had to be searched for and produced to Salmond’s lawyers if relevant documentation was found. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **19 December 2018: Documents were produced which contradicted the SNP Government’s previous position.** These documents, which emerged after the SNP Government had given assurances that no further documentation existed, contradicted what it had previously told the court, highlighting that the investigation and identification of documents had not been as robust as it should have been. (Scottish Government, Summary of Lord Advocate Evidence, 17 November 2020, [link](#)).

• **21 December 2018: ‘Watershed’ moment occurs as further evidence emerges regarding the Investigating Officer’s prior contact.** The documents that were produced revealed a meeting between the Investigating Officer and the complainers and the insufficient justifications for that meeting with regards to complying with Paragraph 10 of the procedure. (Scottish Government, Summary of Legal Advice, 24 December 2020, [link](#)).

• **28 December 2018: Junior and Senior Counsel threaten to resign if the case is not resolved by 3 January.** (Scottish Government, Summary of Legal Advice, 24 December 2020, [link](#)).

• **2 January 2019: Leslie Evans concludes that the judicial review should be conceded.** She had formed the view that the petition should be conceded on the basis that her ‘Decision Report’ of 21 August 2018 and the letter informing Alex Salmond of the decision the following day were unlawful because they were taken in circumstances that were procedurally unfair and tainted by apparent bias because of the extent and effects of the Investigating Officer’s involvement with matters raised in the formal complaint. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **8 January 2019: The SNP Government formally concedes the judicial review.** (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

• **31 October 2020: The SNP Government confirm no action has since been taken to correct the procedure.** When asked if there had been any attempt in the last two years to take remedial action on paragraph 10 of the procedure, SNP Government Director of Communications said: 'I am not aware of any'. (Salmond Inquiry, Barbara Allison Oral Evidence, 27 October 2020, [link](#)).

• **20 November 2020: Despite the judicial review ending nearly two years ago, the SNP Government were producing documents that should have been revealed in the case according to Salmond's lawyers.** Salmond's lawyers wrote that: 'Many documents now produced have never been produced or seen by us or by our client previously... They include discussions with and representations made to the crown in advance of trial. What possible explanation can you offer for the failure to produce these documents in response to the orders of the court in either the criminal proceedings or the judicial review?' (Scottish Parliament, Letter from Levy & McRae, 20 November 2020, [link](#)).

• **1 December 2020: The SNP Government admit their complaints procedure is still not clear – over three years after it was first used.** Paragraph 10 of the SNP Government's complaints procedure states that an Investigating Officer should not have prior contact with complainers. When questioned by MSPs at the Salmond Inquiry about whether Paragraph 10 now had clear interpretation, Judith MacKinnon said: 'Not yet, is the short answer. The Dunlop review has been instigated to review the policy as it currently stands.' This means any future investigation under the SNP Government's procedure is exposed to the same flaws. (Salmond Inquiry, Judith MacKinnon & Nicola Richards Oral Evidence, 1 December 2020, [link](#)).

• **January 2021: Salmond states that the SNP Government knew they were going to lose the judicial review case in November 2018.** Alex Salmond stated that: 'We have a witness precognition (statement) which recounts that in late November 2018 a special adviser told the witness that the government knew they would lose the JR but that they would "get him" in the criminal case.' (BBC News, 31 January 2021, [link](#)).

When Sturgeon knew

When Sturgeon claimed to find out

• **Sturgeon said: 'On 2 April, he informed me about the complaints against him'.** 'In the past, questions have also been raised about meetings that I had with Alex Salmond during the investigation, so I want to address that issue now. I met him on three occasions: on 2 April 2018 at my home in Glasgow; on 7 June 2018 in Aberdeen, ahead of the Scottish National Party conference; and on 14 July 2018, at my home. I also spoke to him on the telephone on 23 April and 18 July 2018. I have not spoken to Alex Salmond since 18 July. On 2 April, he informed me about the complaints against him, which—of course—in line with the procedure, the permanent secretary had not done.' (Official Report, 8 January 2019, [link](#)).

• **Sturgeon said: 'as I have set out, in the first meeting he informed me of the complaints...'** 'However, I was very firm when, as I have set out, in the first meeting he informed me of the complaints and when, after that, he made me aware of the concerns that he had about the process and that he was proposing mediation and arbitration, that—and this is the key principle for me—I had no role in the process.' (Official Report, 8 January 2019, [link](#)).

• **Sturgeon said: 'Alex Salmond informed me of the investigation at a meeting on 2 April 2018'.** 'As Jackson Carlaw has said, Alex Salmond informed me of the investigation at a meeting on 2 April 2018. I was so anxious not to even inadvertently create any impression that I was seeking to intervene that I did not immediately tell the permanent secretary that I was aware of the investigation. I changed that judgment when Alex Salmond asked to meet me a second time.' (Official Report, 10 January 2019, [link](#)).

• **Sturgeon said: 'At the first meeting'.** 'At the first meeting, my chief of staff was with me and Mr Salmond was represented. Of course, my chief of staff is a special adviser who also has the ability to assist me—[Interruption.]—in party matters. At the other meetings, no one else was present.' (Official Report, 10 January 2019, [link](#)).

• **Sturgeon said: 'I was informed of the investigation by Alex Salmond'** 'I did not know what was going on in the investigation, because the procedure said that I should not know what was going on in the investigation. I was informed

of the investigation by Alex Salmond, but I did nothing to intervene in that process as a result of any of that.’ (Official Report, 8 January 2018, [link](#)).

• **Sturgeon said she hadn’t heard any stories about Salmond before it broke to the press.**

Andrew Marr asked the First Minister: ‘Had you heard any stories about him before it broke in the press?’ to which Sturgeon responded: ‘Obviously, absolutely not. Until – well I’ve said previously Alex Salmond informed me about these complaints in April, that was the first I had known.’ (BBC News, Andrew Marr Show Transcript, 29 November 2020, [link](#)).

However, recent evidence, including her own written submission, contradicts these claims.

• **4 November 2017: Sturgeon informed of a Sky News enquiry about allegations of sexual misconduct against Salmond.**

Although these allegations were separate to the ones being investigated by the Scottish Government, she was aware of allegations of sexual misconduct against Mr Salmond. Less than three weeks later, she would write to the Permanent Secretary asking that former ministers be included in the new harassment complaints procedure. (Salmond Inquiry, Peter Murrell Oral Evidence, 8 December 2020, [link](#); Scottish Parliament, Record of Judicial Review, 23 October 2020, [link](#)).

• **20 & 21 November 2017: Meeting in Sturgeon’s office between Sturgeon’s Principal Private Secretary and one of the complainers.**

When giving evidence to the Salmond Inquiry, John Somers stated that during the Judicial Review: ‘I declared two calendar entries for 20 and 21 November 2017, when I met Ms A at her request.’ Given that this meeting took place in the First Minister’s office it raises questions about Sturgeon’s knowledge of this meeting. According to Salmond this meeting took place in Sturgeon’s office. (Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#); Salmond Inquiry, John Somers Oral Evidence, 1 December 2020, [link](#)).

• **29 March 2018: Sturgeon meets Geoff Aberdein and discusses ‘allegations of a sexual nature’ against Alex Salmond.**

Sturgeon meets with Geoff Aberdein, Salmond’s former chief of staff on 29 March 2018. She says the meeting took place in her office in Scottish Parliament and covered the fact that Alex Salmond wanted to see her about ‘allegations of a sexual nature.’ Sturgeon

claimed she forgot about the meeting until she was reminded of it in late January/early February 2019. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **Sturgeon’s claim that this meeting was by chance is not true.**

Sturgeon’s written evidence states that Aberdein ‘was in Parliament to see a former colleague and while there came to see me.’ Contrary to Sturgeon’s implication, this meeting was prepared in advance. Salmond states: ‘the meeting of 2 April was arranged on 29 March. I know that because Geoff Aberdein phoned me on 28 March—the day before the meeting—to tell me that it was going to take place’. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#); Salmond Inquiry, Alex Salmond Evidence Session, 26 February 2021, [link](#)).

• **21 January 2021: Key evidence from Geoff Aberdein, who Sturgeon discussed ‘allegations of a sexual nature’ against Alex Salmond with, will not be published.**

Geoff Aberdein was asked to submit written evidence to the Salmond Inquiry in order to clarify the discrepancies in Sturgeon’s evidence. However, the evidence will not be published. Aberdein’s account has been described as ‘vital evidence about whether Sturgeon misled parliament.’ (The Times, 21 January 2021, [link](#)).

• **Geoff Aberdein’s evidence states that Sturgeon’s team knew of complaints against Salmond weeks before Sturgeon’s meeting with Salmond in April.**

The evidence from Geoff Aberdein, which is not being published by the committee, shows that Sturgeon’s team were told about complaints against Alex Salmond in early March. This is weeks before Sturgeon claimed to Parliament that she found out about the investigation on 2 April 2018. Aberdein’s evidence also contradicts Sturgeon’s claim to Parliament that she was not aware of any complainers’ name being leaked by a member of her team to Salmond’s team, because the evidence states that Salmond’s team were passed the name of a complainant by a member of Sturgeon’s inner circle. (The Times, 28 February 2021, [link](#)).

Timeline of contact between Sturgeon and Salmond

• **29 March 2018: Sturgeon becomes aware of the allegations against Alex Salmond.** Sturgeon meets with Geoff Aberdein, Salmond’s former chief of staff. She says that the meeting covered ‘the suggestion that the matter might relate to

allegations of a sexual nature.’ (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **2 April 2018: Salmond tells Sturgeon complaints against him were being investigated under the Scottish Government procedure in a meeting at her home.**

This was the first of three meetings she had with Salmond on the issue. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **23 April 2018: Sturgeon and Salmond have a phone call.**

During this phone call, Sturgeon states that Salmond asked her if she would make the Permanent Secretary aware that she knew about the investigation – and encourage the Permanent Secretary to accept Salmond’s request for mediation. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **3-6 June 2018: After receiving a message from Salmond, Sturgeon concludes legal action was a ‘serious prospect’.**

Sturgeon states she received the message on 3 June 2018 and the ‘tone and content’ of the message left her concluding that Salmond was considering legal action against the government. Sturgeon wrote to the Permanent Secretary on 6 June 2018 telling her as such. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **7 June 2018: Sturgeon and Salmond meet in Aberdeen.**

In this meeting, Sturgeon claims she made Salmond aware that she had written to the Permanent Secretary and made clear that she would not intervene in this process. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **14 July 2018: Final meeting between Sturgeon and Salmond.**

By this stage, Sturgeon claimed that Salmond had formed a belief that she was blocking arbitration. She said this was not the case and she was not involved in the decision. She also suggested to Salmond that he focus on the substance of the complaints and not the procedure. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **18 July 2018: Final contact between Sturgeon and Salmond.**

After informing the Permanent Secretary of her meeting with Salmond, including Salmond’s view that Sturgeon was blocking arbitration, Sturgeon said she ‘wanted to draw a line’ under their contact and said so during a

phone call. Salmond subsequently sent two further messages, one later on 18 July 2018 and another on 20 July 2018 but the First Minister did not respond and there has apparently been no contact since. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

Ministerial Code Breaches

• **Section 1.1 (c) of the Ministerial Code states Ministers should resign if they knowingly mislead Parliament.**

The Code states: ‘It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Parliament will be expected to offer their resignation to the First Minister’ (Scottish Government, Ministerial Code, 8 February 2018, [link](#)).

• **Section 2.30 of the Ministerial Code states Ministers must follow legal advice at the earliest possible opportunity.**

The Code states: ‘Ministers and officials should therefore ensure that their decisions are informed by appropriate analysis of the legal considerations and that the legal implications of any course of action are considered at the earliest opportunity’. (Scottish Government, Ministerial Code, 8 February 2018, [link](#)).

• **Section 4.22 of the Ministerial Code states Ministerial meetings with external individuals must be recorded.**

The Code states: ‘Meetings on official business should normally be arranged through Private Offices. A private secretary or official should be present for all discussions relating to Government business. Private Offices should arrange for the basic facts of formal meetings between Ministers and outside interest groups to be recorded, setting out the reasons for the meeting, the names of those attending and the interests represented.’ (Scottish Government, Ministerial Code, 8 February 2018, [link](#)).

What Sturgeon told Parliament

• **8 January 2019: Sturgeon says she first learned of complaints against Salmond on 2 April.**

She told Parliament: ‘On 2 April, he [Salmond] informed me about the complaints against him.’ She also said on this date: ‘I was always clear that I had no role in the process. I did not seek to intervene in it at any stage—nor,

indeed, did I feel under any pressure to do so.’ (Official Report, 8 January 2019, [link](#)).

• **10 January 2019: Sturgeon states that her meetings with Salmond were not government business.** During a session of FMQs she said: ‘All along, I have been absolutely clear that the most important thing was that I did not intervene in the Government process in which I had no role. The fact that I had no role in the Government process is why it would not have been appropriate for the meetings to be Government meetings.’ (Official Report, 10 January 2019, [link](#)).

• **17 January 2019: Sturgeon says she will provide Parliament with whatever material it requests.** Sturgeon told Parliament: ‘The inquiries will be able to request whatever material they want, and I undertake today that we will provide whatever material they request. That is the definition of full, thorough and open inquiries. It will not be for me to decide what material the parliamentary inquiry, when it gets under way, wants to request. My commitment is that the Government and I will co-operate fully with it.’ (Official Report, 17 January 2019, [link](#)).

• **8 October 2020: Sturgeon claims meeting with Geoff Aberdein was not planned.** Sturgeon said during FMQs: ‘when Alex Salmond himself sat in my home [on 2 April 2018], gave me the details of the complaints that had been made against him and gave me his response to aspects of those complaints. That is what is seared on my memory, and I think that most reasonable people would understand that. Forgive me, Presiding Officer, if that has somehow overwritten in my mind a much more fleeting, opportunistic meeting that took place a few days earlier. That is just how it is.’ (Official Report, 8 October 2020, [link](#)).

[What has emerged since](#)

• **Sturgeon was at a meeting before April where allegations against Alex Salmond were discussed.** By her own admission, in her written evidence to Parliament, Sturgeon said that her meeting with Geoff Aberdein was about ‘allegations of a sexual nature’ against Salmond. (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

• **Salmond claims Sturgeon told him that she would intervene in the investigation in favour of mediation.** Despite her claiming she had no role whatsoever in the investigation, Alex Salmond stated that Nicola Sturgeon told her at

the 2 April 2018 meeting: ‘she would intervene in favour of a mediation process at an appropriate stage.’ (Scottish Parliament, Alex Salmond Written Evidence, 27 January 2021, [link](#)).

• **Sturgeon’s husband has stated that Sturgeon’s meetings with Alex Salmond were government business.** When questioned by Scottish Conservative MSP Murdo Fraser at the inquiry, Peter Murrell, who is also Chief Executive of the SNP, stated: ‘the issue that was raised with Nicola at the time was a Scottish Government matter, and Scottish Government business is not for me.’ (Salmond Inquiry, Peter Murrell Oral Evidence, 8 December 2020, [link](#)).

• **Sturgeon’s government have refused to provide Parliament with the legal advice they received on the Alex Salmond case despite voting for it twice.** On 4 and 25 November 2020, Parliament voted explicitly for all legal advice the SNP Government received on the Alex Salmond case to be released. However, the full contents of the legal advice have not been released. (Official Report, 4 November 2020, [link](#); Official Report, 25 November 2020, [link](#)).

• **Salmond states that Sturgeon’s meeting with Geoff Aberdein was pre-planned with knowledge of what it was about.** Salmond’s evidence states: ‘the meeting of 2 April was arranged on 29 March. I know that because Geoff Aberdein phoned me on 28 March—the day before the meeting—to tell me that it was going to take place.’ (Salmond Inquiry, Alex Salmond Evidence Session, 26 February 2021, [link](#)).

[Evidence Sturgeon did not follow legal advice and breached the Ministerial Code](#)

• **The SNP Government received legal advice in October that they would lose the case against Salmond but continued pursuing the Salmond case for over two months afterwards.** Roddy Dunlop QC told the SNP Government he did not think they would win their judicial review against Alex Salmond on 31 October 2018. The Scottish Government did not concede the case until 8 January 2019. (Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#); Daily Record, 31 January 2021, [link](#)).

• **An alleged court witness statement confirms the SNP Government knew they would lose the judicial review but continued pursuing the case so that they could ‘get’ Salmond in the criminal trial.** Salmond stated: ‘We have a witness

precognition (statement) which recounts that in late November 2018 a special adviser told the witness that the government knew they would lose the JR but that they would “get him” in the criminal case.’ (BBC News, 31 January 2021, [link](#)).

- **At least two QCs acting on behalf of the SNP Government threatened to resign over the case because it had become ‘unstateable’.** Roddy Dunlop QC and Christine O’Neill QC threatened to resign 11 days before the SNP Government conceded the case. This was after earlier warnings from Roddy Dunlop QC that the SNP Government would not win the case. (The Times, 24 December 2020, [link](#)).

Evidence that Sturgeon’s meetings with Salmond were not appropriately recorded and breached the Ministerial Code.

- **Sturgeon says the meetings with Salmond were not government business.** When questioned by an MSP why none of her five contacts with Salmond were in her diaries, Sturgeon responded: ‘The contacts that I had with Alex Salmond, the dates of which I have set out today, were not Government meetings.’ Sturgeon also said of the information she was providing in her written submission about her meetings with Salmond: ‘The information I provide in this response relates to my actions in a party/personal capacity.’ (Official Report, 8 January 2019, [link](#); Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#)).

- **Sturgeon’s Principal Private Secretary confirmed that if the meetings were government business, they should have been in the Ministerial Diary.** At his evidence session before the Salmond Inquiry, Somers said: ‘If they [meetings with Salmond] were anything to do with Government business, I would expect them to be in the diary.’ (Salmond Inquiry Committee, John Somers Oral Evidence, 1 December 2020, [link](#)).

- **The Scottish Information Commissioner ruled that the meetings related to government business.** Following the contest of a freedom of information request, the Scottish Information Commissioner concluded that the ‘material in document 3 that falls within the scope of the request relates to government business and is held by the Ministers.’ Document 3 contained information from the Scottish Government about Sturgeon’s contact with Salmond in 2018.

(Scottish Information Commissioner, 2 September 2020, [link](#)).

- **Sturgeon’s husband repeatedly told the Salmond Inquiry that the meetings with Salmond were government business.** Murrell said: ‘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.’ (Salmond Inquiry, Peter Murrell Oral Evidence, 8 December 2020, [link](#)).

- **Sturgeon’s husband said if the matter related to party business he would have expected to be told about them – which he wasn’t.** Peter Murrell said: ‘If it [Salmond meetings] 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.’ When asked when he was told about the nature of the Salmond meetings, Murrell said: ‘That was at the time when they became public knowledge, whatever date that was—25 August, or thereabouts.’ (Salmond Inquiry Committee, Peter Murrell Oral Evidence, 8 December 2020, [link](#)).

False evidence and contradictory statements

- **Sturgeon’s husband and SNP Chief Executive Peter Murrell said Sturgeon’s meetings with Salmond were government business but Sturgeon explicitly said they were not.** In response to questioning from Murdo Fraser about Sturgeon’s meetings with Salmond, Murrell said: ‘The issue that was raised with Nicola at the time was a Scottish government matter and Scottish government business is not for me’. However, Nicola Sturgeon had previously said to Parliament on the meetings: ‘The fact that I had no role in the Government process is why it would not have been appropriate for the meetings to be Government meetings.’ (Salmond Inquiry Committee, Peter Murrell Oral Evidence, 8 December 2020, [link](#); Official Report, 10 January 2019, [link](#)).

- **Murrell said he did not use WhatsApp but it was revealed less than 24 hours later he used it recently.** During his oral evidence session to the Salmond inquiry, Murrell said: ‘I can only tell you I know nothing about a WhatsApp group. I’m not on WhatsApp. So, it’s not a social media platform I use.’ However, it emerged that there was a WhatsApp account linked to Mr Murrell’s phone

number, which showed that it had been used as recently as 22 November 2020 – just a few days before his hearing. (Salmond Inquiry Committee, Peter Murrell Oral Evidence, 8 December 2020, [link](#); The Scottish Sun, 8 December 2020, [link](#)).

• **Murrell said he was not home when the Salmond meeting on 2 April 2018 took place, but later said he was.** Responding to questions from Murdo Fraser about Sturgeon’s meetings with Salmond, Murrell said: ‘I wasn’t at home. I wasn’t aware of the capacity in which she was having the meetings’ and continued: ‘I wasn’t at home at either meeting.’ However, he later went on to say, when questioned why he had a sense that something serious was being discussed at the 2 April 2018 meeting: ‘Well, I came home from work and there were people still in the house at that point’ and ‘I arrived home not long before the meeting ended.’ (Salmond Inquiry Committee, Peter Murrell Oral Evidence, 8 December 2020, [link](#)).

• **Murrell said he was not aware that Salmond was coming to his house, but then revealed he was told.** During the evidence session, Murrell twice claimed that ‘he wasn’t really aware’ that Mr Salmond would be coming to his house. After being questioned on when he knew about the First Minister’s meeting with Salmond on 2 April 2018, Murrell said: ‘I think at some point on the previous day I was aware that Alex was coming to the house.’ (Salmond Inquiry Committee, Peter Murrell Oral Evidence, 8 December 2020, [link](#); The Herald, 8 December 2020, [link](#)).

• **Director of Communications Barbara Allison was forced to admit that she had received a text about winning ‘the war’ the day the SNP lost the judicial review case.** Allison had previously told the Committee she did not receive a text message from the Permanent Secretary which said ‘We may have lost the battle, but we will win the war.’ However, this turned out not to be true – Allison had in fact received the message. This text was sent on the day Salmond won his case against the SNP Government. (Daily Record, 27 October 2020, [link](#)).

• **Investigating Officer of the complaints Judith MacKinnon had to correct her evidence about whether the complainants knew she was going to be Investigating Officer.** When MacKinnon gave evidence to the Committee, she claimed she

did not tell either complainant that she was going to be the Investigating Officer. However, a review of written evidence shows that she did email the complainants detailing that she would be the Investigating Officer. (The Times, 29 October 2020, [link](#)).

• **Permanent Secretary Leslie Evans was forced to correct her evidence after she failed to mention Liz Lloyd’s attendance at judicial review meetings.** Evans initially suggested to the inquiry that she ‘would not see a natural role for special advisers’ after being questioned about whether special advisers were involved in the Government’s meetings in response to legal action brought by Alex Salmond. However, Evans had to produce a follow up letter stating that Sturgeon’s chief of staff, a special adviser, did in fact take part in such meetings. (The Herald, 9 September 2020, [link](#)).

• **Senior SNP Government official, James Hynd, initially said he’d heard rumours about sexually inappropriate behaviour but later clarified his evidence saying he hadn’t.** When quizzed on whether he’d heard any allegations about bullying or sexual misconduct, Hynd said: ‘Well, yes— things were said, but I have no idea whether they were true or not.’ He later wrote to the inquiry to clarify that ‘I was not aware of any rumours about “sexually inappropriate behaviour” on the part of Mr Salmond’. (Scottish Government, Letter from James Hynd, 14 September 2020, [link](#); Salmond Inquiry, 25 August 2020, [link](#)).

• **The SNP Government admitted they destroyed their copy of Sturgeon’s notes annotating an early draft of the harassment procedure.** An email from SNP Government official James Hynd on 13 December 2017 confirms the existence of a hard copy of the harassment procedure which was annotated by Sturgeon. However, a freedom of information response from the SNP Government confirmed they no longer have any record of the annotations Sturgeon made to the procedure. (Scottish Parliament, Phase 1FN20, 13 December 2017, [link](#); Scottish Government, Freedom of Information Response, 24 February 2021, [link](#)).

Broken promises of co-operation

• **8 January 2019: Sturgeon says she will provide Parliament with more information.** She said to Parliament: ‘if there is more information that the

Government can make available to Parliament, of course we will do so.’ (Official Report, 8 January 2019, [link](#)).

• **10 January 2019: Sturgeon says she and her government will cooperate fully with whatever Parliament decides.** At FMQs, Sturgeon said: ‘As all members know, it is entirely for Parliament—rightly and properly—to decide what it wants to look into and inquire into. Ministers and Government officials will co-operate fully with that, as they do in all inquiries.’ (Official Report, 10 January 2019, [link](#)).

• **17 January 2019: Sturgeon says she will provide Parliament with whatever material it requests.** Sturgeon told Parliament: ‘The inquiries will be able to request whatever material they want, and I undertake today that we will provide whatever material they request. That is the definition of full, thorough and open inquiries. It will not be for me to decide what material the parliamentary inquiry, when it gets under way, wants to request. My commitment is that the Government and I will co-operate fully with it.’ (Official Report, 17 January 2019, [link](#)).

• **8 October 2020: The Court of Session says the SNP Government can provide more documents to the Committee without the need for a court order.** Pam McFarlane, the principle clerk of the court said ‘a large number’ of documents ‘might usefully be borrowed by the relevant parties and made available’ to the committee ‘without further recourse to the court.’ (Holyrood, 8 October 2020, [link](#)).

• **4 November 2020: Parliament votes to demand the SNP Government release the legal advice they received on the judicial review case.** Parliament voted for a Scottish Conservative motion by 63 to 54 demanding the legal advice be released. (Official Report, 4 November 2020, [link](#)).

• **25 November 2020: Parliament votes a second time for the SNP to release their legal advice on the judicial review case.** This time, Parliament voted by 65 to 55 calling for the release of this advice which the SNP failed to provide at the previous deadline. (Official Report, 25 November 2020, [link](#)).

Despite Sturgeon’s promises on co-operating with the inquiry, it has been repeatedly frustrated.

• **11 August 2020: The Salmond Inquiry convener says the committee is ‘frustrated and disappointed’ by the SNP Government’s refusal to release evidence.** The Convener of the Salmond Inquiry Committee wrote in a letter to Permanent Secretary Leslie Evans: ‘I am writing to express the Committee’s frustration and disappointment at the very limited amount of information the Scottish Government has chosen to disclose to the Committee in relation to the judicial review, which as you are aware is at the core of the Committee’s remit.’ (Scottish Parliament, Letter from the Convener of the Salmond Inquiry Committee, 11 August 2020, [link](#)).

• **29 September 2020: The Salmond Inquiry convener says the committee is being obstructed.** The Convener of the Salmond Inquiry Committee said they had been ‘completely frustrated’ by the lack of evidence from the SNP Government and this meant that the Committee ‘simply cannot proceed at this stage’. (BBC News, 29 September 2020, [link](#)).

• **12 November 2020: The Salmond Inquiry lambasts the ‘unacceptable’ delays in handing over documentation from the SNP Government.** The Convener of the Committee wrote to SNP Deputy First Minister John Swinney saying: ‘the Committee considers the delay to the documentation for the complaints handling tranche to be unacceptable given the time the Scottish Government has had to progress the provision of these records.’ (Scottish Parliament, Letter from the Convener of the Salmond Inquiry Committee, 12 November 2020, [link](#)).

• **13 November 2020: The SNP Government misses the deadline set by the Salmond Inquiry committee to provide the legal advice.** The Salmond Inquiry Committee set a deadline of 13 November 2020 for the SNP Government to release the legal advice they received on Alex Salmond’s judicial review case as instructed by Parliament. They did not meet this deadline. (The Herald, 13 November 2020, [link](#)).

• **19 November 2020: John Swinney blocks key officials, including the Investigating Officer of the Salmond complaints, from appearing before the committee.** Upon the committee's request to take evidence from Judith MacKinnon, Investigating Officer of the complaints and Gillian Russell – another senior SNP Government official, Sturgeon's Deputy Swinney responded by saying: 'agreeing to these witnesses appearing on 24 November would create an unacceptable risk and therefore I cannot agree to the committee's request.' (Scottish Government, Letter from John Swinney, 19 November 2020, [link](#)).

• **22 January 2021: Because of the SNP's obfuscation, for the first time ever, a Scottish Parliament committee invokes a Section 23 Order to obtain certain documents.** This unprecedented step demonstrates the SNP's lack of cooperation with the Scottish Parliament as the committee had been forced to take an option no Scottish Parliamentary inquiry ever had to previously. (The Scotsman, 22 January 2021, [link](#)).

• **To this date, the SNP Government still hasn't handed over the legal advice in full as Parliament has requested.** Despite the emergence of Alex Salmond's evidence that a witness claims the SNP Government knew they were going to lose the judicial review, the legal advice received by the Scottish Government still has not been provided in-full which completely contradicts Sturgeon's claims that 'the inquiries will be able to request whatever material they want, and I undertake today that we will provide whatever material they request.' (Official Report, 17 January 2019, [link](#)).

• **A Section 23 Order is being used to reveal the documents from the Commission of Diligence which the SNP tried to hide.** The extraordinary obstruction from the SNP Government has meant that multiple Section 23 Orders have had to be requested by the Salmond Inquiry committee, which compels the Order's targets to produce the documents required. One request seeks the documents that the SNP claimed were not relevant but were then revealed in the 'Commission of Diligence' court motion that was contested, and lost, by the SNP Government in the Court of Session on 14 December 2018. (BBC News, 1 March 2021, [link](#); Scottish Government, Timeline of Judicial Review, 26 October 2020, [link](#)).

Data breaches

• **On 23 August 2018, the Daily Record reported that the SNP Government had investigated sexual misconduct claims against Alex Salmond.** This information had not been made public until that day and Salmond complained to the Information Commissioner's Office about the leak of the SNP Government investigation saying it violated data protection law. (Daily Record, 10 January 2019, [link](#)).

• **The Information Commissioner's Office state that it is clear Salmond's personal data had been obtained and disclosed to the press.** In a letter to Salmond, the Commissioner writes: 'It was clear from the events set out in the complaint sent on behalf of Mr Salmond that the personal data had indeed been obtained and disclosed to the press.' (Information Commissioner's Office, Letter to Alex Salmond, 28 May 2020, [link](#)).

• **The Information Commissioner has sympathy with the view that an SNP Government employee unlawfully leaked information about the Salmond investigation.** Whilst no individual suspect could be identified in the Information Commissioner's investigations, it had 'sympathy with the hypothesis that the leak came from an employee of the SG and agree that the timing arguably could raise such an inference.' (Information Commissioner, Letter to Alex Salmond, 28 May 2020, [link](#)).

Cost to the taxpayer

• **Due to the SNP Government's incompetent handling of the case, they had to pay out over half a million pounds to Salmond.** After admitting they'd botched the investigation into allegations about Alex Salmond's behaviour, the Scottish Government agreed to settle the case for £512,250. (Scottish Parliament, Scottish Government Participation in Judicial Review, 20 July 2020, [link](#)).

• **Despite their botched handling of the case, the SNP Government paid out over £100,000 in legal fees to fight the case.** A freedom of information response revealed that the SNP Government spent £118,523 on external lawyers and court fees to fight the case against Salmond which they conceded on the grounds of the apparent bias of the Investigating Officer. (Scottish Government, Freedom of Information Response, 11 September 2019, [link](#)).

• **The SNP Government have spent nearly £55,000 'coaching' witnesses who appear**

before the Salmond Inquiry, even though they've made multiple mistakes. £54,378 of taxpayer money has been spent on external assistance for SNP Government officials appearing before the Salmond Inquiry. Despite this extraordinary assistance, four of the six civil servants involved have been forced to correct or clarify their evidence before the Inquiry. (The Telegraph, 13 January 2021, [link](#)).

Salmond's latest evidence

- **Alex Salmond confirmed that a complainer's name was leaked to his team by an SNP Government official, contradicting Sturgeon.**

When asked whether the name of a complainant was leaked prior to Geoff Aberdein's meeting with Sturgeon on the 29 March 2018, Salmond confirmed he had and said: 'My former Chief of Staff told me that...As far as I'm aware there are three other people who know that to be true.' This contradicts what Sturgeon told Parliament, because when asked if the name of a complainer had been passed to Alex Salmond's former chief of staff before the 2 April meeting, Sturgeon said: 'To the very best of my knowledge, I do not think that that happened.' (YouTube, Salmond Inquiry, 26 February 2021, [link](#); Official Report, 25 February 2021, [link](#)).

- **Salmond claimed the SNP Government breached a court order from the criminal trial regarding the supply of evidence.** Salmond told the committee: 'The Permanent Secretary as the deciding officer actually met one of the complainants and phoned the other one mid process before I was even informed that there were complaints against me...That is the first time my legal team, myself, this committee, anybody knew about that. It wasn't disclosed across the judicial review... it wasn't even disclosed in the criminal process... There was a specific search warrant applied on the government a year past October/November which specifically asked for contact between the Permanent Secretary and complainants and that contact wasn't disclosed even to a search warrant by the Crown Office.' He later went on to describe this as obstruction of justice. (YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

- **Salmond repeatedly told the committee that the SNP Government were told on 31 October that they would lose the judicial review case.** He told the committee: 'I have every absolute

reason to believe that legal advice on 31 October as I understand it, certainly about then, indicated that on the balance of probability the government were going to lose the judicial review.' (YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

- **Salmond confirmed that as a former First Minister, he would consider that acting contrary to legal advice constitutes a breach of the Ministerial Code.** An Inquiry member asked: 'As a former First Minister would carrying on legal action in the Court of Session knowing that you'd acted unlawfully be a breach of the Ministerial Code?' Salmond confirmed he would consider that a breach. (YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

- **Salmond said Geoff Aberdein phoned him about his meeting with Sturgeon, meaning she was aware of its nature.** Salmond told the committee: 'My position is that the meeting of 2 April was arranged on 29 March. I know this because Geoff Aberdein phoned me on the 28 March the day before to tell me that meeting was going to take place. He phoned me the day after the meeting to tell me the meeting had been arranged for the 2 April in Glasgow. Self evidently, the only person who can invite you to their home is the First Minister.' (YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

- **Salmond confirmed he has witnesses to back his claim that Sturgeon offered to intervene in the complaints process.** On the topic of Sturgeon intervening, Salmond said: 'She said when it was the appropriate time. The conversation was not about if she'd intervene but when. Nicola's anxiety was she wanted to find a situation where the Permanent Secretary came to her at a suitable moment to do it.' When asked if anyone else could substantiate that he said: 'I am absolutely certain that Duncan Hamilton was present when we were discussing there. I can't be absolutely certain about anybody else but I know Duncan was there because as my Counsel obviously when we were talking after the meeting and assessing what was happening we were both of the opinion that the intervention was going to be made.' (YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

- **Salmond said he had no intention to resign from the SNP in Spring 2018 and did not tell anyone as such, contradicting Sturgeon's evidence.** Salmond said: 'I had no thought of resignation whatsoever, it never entered my mind at that

stage. Why would it, it was the diametric opposite of what I was trying to achieve.’ He continued: ‘I had not indicated to anyone at that time that I was about to resign from the Scottish National Party.’ However, in her evidence, Sturgeon claims ‘when I agreed to meet with Alex Salmond on 2 April 2018, I believed that what he was about to tell me may require a public response from the SNP. Indeed, I suspected that he may be about to resign from the SNP.’ (Scottish Parliament, Nicola Sturgeon Written Evidence, 7 October 2020, [link](#); YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

• **Salmond claimed that the Crown Office initially decided there was no need to redact any of his evidence but changed their position earlier this week.** Salmond said: ‘What is beyond argument is that two weeks ago, the Crown Office did not consider anything in the submission that was made to this committee to be in danger of breaching anything and for some reason earlier this week at the very point of coming before the committee there was a change in position.’ (YouTube, Salmond Inquiry, 26 February 2021, [link](#)).

SNP comments on Henry McLeish, David McLetchie and Wendy Alexander

The Salmond scandal has cost the taxpayer more than half a million pounds and may yet be proved to be an abuse of power.

In 2001, Labour First Minister Henry McLeish resigned for failing to register with the parliamentary authorities that he sub-let his constituency office while he was an MP. The amount of money involved was £36,000.

In 2005, David McLetchie resigned as leader of the Scottish Conservatives after being accused of claiming expenses for taxis which did not involve parliamentary business. He claimed £11,500 over five years.

In 2008, Wendy Alexander resigned as leader of Scottish Labour for failing to declare a donation to her leadership campaign of £950.

This is what the SNP said at the time.

McLeish (£36,000)

• **John Swinney:** ‘I think it could become a resignation issue because the First Minister

has failed to close it down.’ (The Scotsman, 3 November 2001, [Archived](#)).

• **John Swinney:** ‘He has been dragged kicking and screaming into making this revelation and people around Scotland will be staggered by the amount of money that is involved...Crucially, the bond of trust that must exist between Scotland’s first minister and the people has been broken. He has had many opportunities to come clean on this matter before now’ (The Herald, 7 November 2001, [Archived](#)).

• **John Swinney:** ‘The government of Scotland has been paralysed over the last two weeks because of Mr McLeish’s inability to clear up what should have been a relatively simple matter.’ (Evening Times, 8 November 2001, [Archived](#)).

• **John Swinney:** ‘The conduct of the first minister of Scotland must, however, be beyond reproach.’ (BBC News, 8 November 2001, [link](#)).

McLetchie (£11,500)

• **SNP spokesman:** ‘MSPs are accountable for the use of public money. Given the long list of unanswered questions about his expenses it appears Mr McLetchie’s position has become untenable, and so resignation was the only appropriate course of action.’ (The Scotsman, 1 November 2005, [Archived](#)).

• **Nicola Sturgeon:** ‘MSPs’ expenses are funded by the taxpayer, so they should be open to full public scrutiny.’ (The Sunday Herald, 26 June 2005, [Archived](#)).

Alexander (£950)

• **Roseanna Cunningham:** ‘Wendy Alexander and the Labour Party have been irreparably damaged by this protracted scandal. Her credibility is now in tatters and it is unlikely ever to recover... From the start of this affair, Wendy Alexander has tried to dodge responsibility and spread the blame as widely as possible. The standards commissioner must be commended for working his way through the often confusing and contradictory statements from Ms Alexander and her team over the last eight months.’ (Daily Record, 28 June 2008, [link](#)).

