

Salmond settles Judicial Review action with Scottish Government

Former First Minister of Scotland Alex Salmond has settled his action for Judicial Review against the Scottish Government.

Mr Salmond had raised the action following complaints of sexual harassment made against him by two members of staff at Holyrood. He raised the action to force the government to investigate the way the allegations were investigated.

It has become apparent that the civil servant who dealt with the complaints had previous contact with the two female members of staff, thus rendering the process questionable.

This does not mean that further action may not follow, but it is in Mr Salmond's view a victory against the government which he said he led for eight years. He issued a statement running to several pages in which he said it was a matter of personal sadness that he had to raise the action at all. He has also raised the future of Leslie Evans the most senior civil servant in interviews after the court case was heard this morning.

He told waiting journalists : "I am not putting out the bunting today." His statement recognises that the matter is still under police investigation, although it has to be said it is a significant legal decision handed down at the Court of Session by Lord Pentland.

Funds were raised for the action in a GoFundMe and Mr Salmond

confirmed that the unused balance will be donated to 'good causes' in a [statement on the page](#).

STATEMENT – Alex Salmond welcomes court victory as Scottish Government admits defeat pic.twitter.com/QHaFJm6BzJ

– Alex Salmond (@AlexSalmond) [January 8, 2019](#)

The head of the Civil Service in Scotland issued a statement outlining why the government settled the case :

08/01/19 11:11

[Statement from Permanent Secretary at the Scottish Government Leslie Evans](#)

Lawyers for the Scottish Government and for Alex Salmond have this morning informed the Court of Session that his action has been settled and the Court has approved that settlement.

As part of the settlement, I have accepted that the decision reached after the investigation of two complaints made against Mr Salmond should be set aside.

This action is being taken because it has become clear that, in one respect only (albeit an important one), the investigation was procedurally flawed.

However, it is important to stress that this relates to the operational application of the Procedure for Handling Complaints Involving Current or Former Ministers ('the Procedure'). The Scottish Government considers the Procedure itself to be robust and it remains in place.

After reassessing all the materials available, I have concluded that an impression of partiality could have been created based on one specific point - contact between the Investigating Officer and the two complainants around the time of their complaints being made in January 2018.

The full picture only became evident in December 2018 as a result of the work being undertaken to produce relevant documents in advance of the hearing.

I want to apologise to all involved for the failure in the

proper application of this one particular part of the Procedure. There is nothing to suggest that the Investigating Officer did not conduct their duties in an impartial way. Unfortunately, the interactions with the complainants in advance of the complaints being made meant that the process was flawed, however impartially and fairly the Investigating Officer conducted the investigation.

All the other grounds of Mr Salmond's challenge have been dismissed.

The Scottish Government has acted in good faith at all times and will continue to do so. It was right and proper that these complaints were investigated and I stand by the decision to carry out that investigation.

It is also important to note that the procedural flaw in the investigation does not have implications, one way or the other, for the substance of the complaints or the credibility of the complainers. The Judicial Review was never about the substance of the complaints, but about the process that took place to investigate those complaints.

It is accordingly open to the Scottish Government to re-investigate the complaints and, subject to the views of the complainants, it would be our intention to consider this - however, this will only be once ongoing police inquiries have concluded.

Meantime I have commissioned an internal review of the specific application of this one element of the procedure. We shall learn and apply the lessons of this case to any future complaint addressed under our internal procedure.

My priority remains the duty of care to my staff, including anyone in the organisation who brings forward any concerns about inappropriate conduct, regardless of the identity or seniority of the individual complained about.

Finally I would reiterate that the single procedural flaw which led to this decision is deeply regrettable. In particular, I regret the distress it will cause to the two women who raised the complaints.