Commissioner for Ethical Standards in Public Life in Scotland

CONDUCT of MEMBERS of the SCOTTISH PARLIAMENT

Report by

the Commissioner for Ethical Standards in Public Life in Scotland

on

complaint no. MSP/2141/18-19/5

Complainer:- Ms Gail Ross MSP

Respondent:- Ms Annie Wells MSP

14 September 2018

Commissioner for Ethical Standards in Public Life in Scotland
Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE
T: 0300 011 0550 E: investigations@ethicalstandards.org.uk W: http://www.ethicalstandards.org.uk

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CONDUCT of MEMBERS of the SCOTTISH PARLIAMENT

Report to the Scottish Parliament on complaint no. MSP/2141/18-19/5

Complainer: - Ms Gail Ross MSP

Respondent: - Ms Annie Wells MSP

1.0 Introduction

1.1 The Code of Conduct for Members of the Scottish Parliament ("the Code") has been approved by the Scottish Parliament under its Standing Orders to provide a set of principles and standards for its Members.

1.2 For the purpose of considering this complaint, the relevant provisions are contained in section 7 - General Conduct (Confidentiality Rules) at paragraphs 12, 15 and 16 of the Code. Attention should also be drawn to the guidance issued for the assistance of MSPs at section 7 (Confidentiality Rules). The relevant edition of the Code is edition 7 which was approved by the Parliament on 30 August 2017. Excerpts from the Code are replicated in this Report.

1.3 The investigation of the complaint has been undertaken in terms of the Scottish Parliamentary Standards Commissioner Act 2002 ("the 2002 Act") and the Directions by the Standards Procedures and Public Appointments Committee dated 1 March 2012.

1.4 This Report falls to be submitted to the Parliament in terms of section 9 of the 2002 Act.

2.0 Complaint

2.1 The complainer ("the complainer") is Ms Gail Ross MSP and her complaint is about Ms Annie Wells MSP ("the respondent").

2.2 The respondent is an MSP for Glasgow. She was elected on 5 May 2016 and is a member of the Scottish Conservative and Unionist Party. The respondent is a member of the Equalities and Human Rights Committee ("the Committee") and a substitute member of the Health and Sport Committee. She is her party's spokesperson for Mental Health, Public Health and Equalities.

2.3 The complaint alleges that the respondent sought political advantage by making advance public comment on the Equalities and Human Rights Committee's report on "Prisoner Voting in Scotland". The complaint is based on comments attributed to the respondent in a press release issued by the Conservative and Unionist Party press office without embargo on Friday, 11 May 2018. The Committee report was subject to an embargo until 14 May 2018 when it was due to be published.

2.4 It is alleged that this amounted to a breach of the Code's confidentiality requirements as set out in the narrative contained in paragraph 1.2 of this Report. The Code provides that reports, although approved by a committee (and no longer in draft form), should be kept confidential until the date of formal publication, unless the committee decides otherwise.

The Code also prohibits off the record media briefings on draft committee reports and the disclosure of dissent prior to their publication.

2.5 The complaint was made by email with a letter and enclosure attached dated 16 May 2018. The enclosure is the press release. The letter and enclosure are attached to this Report as **Appendix 1**.

3.0 Response

3.1 The respondent provided me with a response to the complaint by letter dated 13 June 2018. This is attached as **Appendix 2**. In the letter, the respondent accepted that she made the comments attributed to her in the press release issued by her party's press office. She said that the press office had made contact with her in response to media enquiries following publication on the morning of Friday, 11 May of an article by the Scottish Daily Mail which apparently referred to details of the unpublished Committee report.

4.0 Admissibility of the complaint and subsequent proceedings

4.1 The complaint was clearly stated as was the response.

4.2 Stage 1 of the investigation of a complaint requires an assessment of admissibility. In assessing admissibility, the key tests are whether the complaint is relevant, whether the complaint meets the requirements for form, content and execution and whether the complaint warrants further investigation if it appears after an initial investigation that the evidence is sufficient to suggest that the conduct complained about may have taken place.

4.3 I determined that the complaint was admissible and notified the respondent and the Clerk to the Standards, Procedures and Public Appointments Committee to that effect on 4 July 2018 and confirmed that I was proceeding with my investigation. Copies of my letters are set out in **Appendix 3**.

4.4 I invited the respondent to attend for interview, which she did on 2 August 2018. At the interview, the respondent provided me with confirmation and clarification of her actions and the reasons for her proceeding in this manner.

5.0 Investigations and Findings

Investigation

5.1 At interview, the respondent confirmed that she had made the comments attributed to her in the press release issued by the party's press office (attached within Appendix 1). She considered that her remarks reflected the long-standing position which had been taken by her party on prisoner voting. Her remarks had been prompted by enquiries from the press on a subject for which she was the party spokesperson and on which she considered the position of herself and her party was already in the public domain. She did not consider that she had commented on the specific terms of the Committee report.

5.2 The respondent confirmed that she had received her copy of the final report on the morning of 11 May 2018. She acknowledged that it was subject to an embargo until Monday, 14 May. The respondent had been involved in the private Committee meetings at which the terms of the report were discussed and agreed. She and the other Conservative member of the Committee had accepted the terms of the report except for two paragraphs where they had recorded their dissent. These were paragraph 144 which expressed the Committee's view on the desirability of removing entirely the ban on prisoner voting and paragraph 145 which set out a recommendation to that effect. The respondent confirmed that she understood the Code provisions on confidentiality obligations in relation to draft committee reports. In the particular circumstances, she did not consider that she had breached the Code. The respondent said that her position on prisoner voting, and that of her party, was well known. Therefore, the comments which she made in the press release introduced no new information in the public domain. She was of the view that the newspaper story had been informed by the terms of the Committee report. A copy of the newspaper article is attached as **Appendix 4**. The respondent said that it was not politically tenable for her party to decline to respond to queries received by the party press office.

Findings

5.3 Having completed the investigation in this case and considered the respondent's representations, I have found the following facts to be admitted or proved on the balance of probabilities:-

(i) A report on "Prisoner Voting in Scotland" by the Equalities and Human Rights Committee was due to be published on 14 May 2018. As a member of the Committee, the respondent received a copy of the report on the morning of Friday, 11 May, subject to an embargo until publication on 14 May.

(ii) The Committee had not agreed to release details of the report or to public comment being made prior to publication.

(iii) An article purportedly referring to the terms of the Committee report on "Prisoner Voting in Scotland" was published by the Scottish Daily Mail on Friday, 11 May.

(iv) The respondent provided comments to the Scottish Conservative and Unionist Party press office which were incorporated in a press release dated 11 May 2018 and marked "for immediate release".

(v) The respondent's comments were in the following terms:

"The Scottish Conservatives do not support these proposals."

"There is absolutely no public support for these proposals, and at no time did the Committee hear directly from victims of crime on this matter."

"Breaking the law is a serious matter and it is right that criminals are punished accordingly. Criminals should know that when they break the law this will be one of the consequences."

"Victims of crime will be horrified that, yet again, the rights of criminals are being prioritised above the experiences of victims."

"These proposals simply demonstrate just how out of touch the other parties are. Only the Scottish Conservatives will stand up for victims and their families."

(vi) The reference to "proposals" in the respondent's comments is to other text contained in the press release which states:

"It is understood that the report, supported by all other parties on the committee, will include proposals for all prisoners, including those convicted of the most serious violent and sexual crimes, to vote in all elections".

(vii) The introductory narrative of the press release refers to opposition by the Scottish Conservatives to prisoner voting "in a report due to be published by the Scottish Parliament's Equalities and Human Rights Committee".

(viii) The respondent's comments state that recommendations of the Committee on prisoner voting would not be supported by the Scottish Conservatives. The respondent's dissent from any part of the report relating to prisoner voting rights was implied by reference to the introductory narrative of the press release.

(ix) The respondent's remarks included reference to the deliberations of the Committee by stating that no victims of crime were heard directly by the Committee on this subject.

(x) The comments by the respondent in the press release on 11 May 2018 were made public prior to the publication of the report (on 14 May 2018).

6.0 The Code

6.1 The applicable terms of the Code are:

SECTION 7: MSPs' GENERAL CONDUCT

Confidentiality rules

12. All drafts of committee reports, and committee reports which, although agreed by a committee and no longer in draft, have not yet been published, should be kept confidential, unless the committee decides otherwise. In addition, the following should be treated as confidential—

- briefing provided to members by Parliamentary staff for particular members' information only;
- documents produced during a private session of a committee;
- evidence submitted to a committee sitting in private from a witness which it has been agreed can be treated as confidential;
- any other documents or information which the committee has agreed should be treated as confidential; and
- minutes of private discussions.

15. Unless the Parliament or the relevant committee has agreed otherwise, members must not disclose any information to which a member has privileged access, for example, derived from a confidential document or details of discussions or votes taken in private session, either orally or in writing.

16. Where a committee member wishes to express dissent from a committee report, the member should only make this public once the committee report has been published in order to avoid disclosing the conclusions of a draft report.

7.0 Discussion and Conclusion

7.1 Paragraph 12 requires drafts of committee reports to be kept confidential unless the committee decides otherwise. No such decision had been taken in relation to the report on "Prisoner Voting in Scotland". The reference by the respondent in her comments in the press release to the Committee not having heard from the victims of crime was, at least obliquely, a reference to the terms of the report. The comment was made without the authority of the Committee and, therefore, constituted a failure to comply with paragraph 12 of section 7 of the Code.

7.2 Paragraph 15 states that members must not disclose any information to which a member has privileged access. The examples include details of discussions or votes taken in private session. The respondent's comments, as a commentary on the Committee's proposals, on the evidence considered by the Committee, and on the position of different parties represented on the Committee, clearly involve disclosure of information to which the respondent had privileged access. I find, therefore, that this constituted a failure to comply with paragraph 15 of section 7 of the Code. I consider that to be so notwithstanding the fact that the policy position of the Conservative Party was already known to the public.

7.3 The clear statement that the Scottish Conservatives do not support the proposals understood to be in the Committee report implies dissent and, as the press release was issued prior to publication of the report, involves a failure to comply with paragraph 16 of part 7 of the Code.

7.4 I have concluded on the information available to me that the respondent, Ms Annie Wells MSP, did breach paragraphs 12, 15 and 16 of section 7 (Confidentiality Rules) of the Code by making public press comment in advance of the publication of the Committee report on "Prisoner Voting in Scotland". The findings on which my conclusions are based are set out in section 5.3 (i to x) of this Report.

8.0 Draft Report

8.1 Following the investigation, I submitted my draft Report to the respondent on 17 August 2018 and invited her representations. These were submitted by letter dated 28 August, which is attached as **Appendix 5**.

8.2 The respondent challenges the finding in paragraph 7.1 of the Report on the basis that the evidence sessions held by the Committee on 7 September 2017 and on 25 January 2018 were held in public. That is so.

However, the Committee proceeded on both of those occasions to consider in private the evidence received. This is recorded at item 4 of the Minutes of the meeting held on 7 September, where the Committee agreed to seek the views of representatives of victim groups, and others, and at item 2 of the Minutes of the meeting held on 25 January. No change has been made to the Report in this connection. Minor changes to the draft report have been made for clarification in paragraphs 2.3, 2.5, 4.3 and 5.2 and typographical errors have been corrected in paragraphs 5.3 (vi) and 7.3.

Bill Thomson
Commissioner

14 September 2018

Mr Bill Thomson
Commissioner for the Ethical Standards in Public life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh EH12 5HE

Breach of the Code of Conduct for MSPs, Section 7 Parts 12, 14, 16

Dear Mr Thomson,

I write to bring to your attention a potential breach of the above parts of the MSP's Code of Conduct by Annie Wells MSP.

At 11:49 on Friday 11th May, an email was sent by Scottish Conservatives staff, containing a press release titled *'Scottish Conservatives oppose prisoner voting'* (attached). This release, which was issued without embargo, contains quotes from Annie Wells stating her opposition to the proposals.

As you know, S.7 of the rules on General Conduct of MSPs state:

> "12. All drafts of committee reports, and committee reports which, although agreed by a committee and no longer in draft, have not yet been published, should be kept confidential, unless the committee decides otherwise."
>
> "14. Members must not provide the media with off the record briefings on the general contents or line of draft committee reports or other confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of committees."
>
> "16. Where a committee member wishes to express dissent from a committee report, the member should only make this public once the committee report has been published in order to avoid disclosing the conclusions of a draft report."

The Committee Report in question – *Prisoner Voting in Scotland* – had been completed by Friday 11th May but was not published until Monday 14th May. By publishing her view on the substance of the Report in a press release which was circulated generally, it appears Ms Wells has breached part 12 above. By publishing views which were dissenting, Ms Wells also appears to be in breach of part 16.

Following the publication of this release, Ms Wells, or members of staff working on her behalf, may have been approached to give further background. If is it found that this is the case, there may also be in breach of part 14. I would be very grateful if you could investigate whether this may have occurred.

The *Guidance on MSPs General Conduct* states that confidentiality rules exist to prevent the effects of unauthorised disclosure including "unfair party political advantage" and "a loss of mutual trust between members of the Committee". As a member of this Committee, I feel that this early release may have these effects and I hope this incident can be investigated with urgency.

Yours sincerely,

Gail Ross
MSP for Caithness, Sutherland, and Ross
Member of the Equalities and Human Rights Committee

From: Rafferty A (Amy) <Amy.Rafferty@parliament.scot>
Sent: 11 May 2018 11:49
Subject: Scottish Conservatives oppose prisoner voting

Scottish Conservatives oppose prisoner voting

Scottish Conservative and Unionist Party press office

Friday, May 11, 2018

FAO: all newsdesks

Embargo: for immediate release

The Scottish Conservatives have opposed plans to give prisoners the vote.

In a report due to be published by the Scottish Parliament's Equalities and Human Rights Committee the Scottish Conservatives will record their opposition to prisoner voting.

It follows reports this morning that dangerous prisoners in Scotland will be given the right to vote.

It is understood the report, supported by all other parties on the committee, will include proposals for all prisoners, including those convicted of the most serious violent and sexual crimes, to vote in all elections.

The UK has recently implemented the decision by the European Court of Human Rights that those on remand are allowed to vote in General Elections. The proposals endorsed by the SNP, Scottish Labour, Scottish Lib Dems and the Scottish Greens, are expected to go much further and would enable all criminals in prison, regardless of the severity of their crime, to vote in all elections.

Commenting on the report, Annie Wells, Scottish Conservative equalities spokesman and member of the Equalities and Human Rights Committee said:

"The Scottish Conservatives do not support these proposals.

"There is absolutely no public support for these proposals, and at no time did the Committee hear directly from victims of crime on this matter.

"Breaking the law is a serious matter and it is right that criminals are punished accordingly. Criminals should know that when they break the law this will be one of the consequences.

"Victims of crime will be horrified that that, yet again, the rights of criminals are being prioritised above the experiences of victims.

"These proposals simply demonstrate just how out of touch the other parties are. Only the Scottish Conservatives will stand up for victims and their families."

Ends

The Scottish Parliament
Pàrlamaid na h-Alba

Annie Wells MSP
Member of the Scottish Parliament for Glasgow

14 JUN 2018
OFFICE OF PSCS

Mr Bill Thomson
Commissioner for Ethical Standards
In Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

13 June 2018
Ref: MSP/2141/1/-19/5/DW

Dear Mr Thomson

Public Standards
Code of Conduct of Members of the Scottish Parliament
Complaint by Ms Gail Ross MSP

Thank you for your letter dated 22 May regarding the complaint made against me by Gail Ross MSP.

On Friday 11 May the Daily Mail carried a story on their front page revealing the findings of the report, which had clearly been leaked to the Daily Mail.

Once that story was published, the Scottish Conservatives were approached by several journalists asking for our views on the matter. As such, we issued a response (as mentioned in the third line of our press release) to the story.

It would have been impossible to ignore an issue which was carried on the front page of one of Scotland's biggest-selling newspapers.

Quite simply, we were asked our position on one of the biggest issues of the day (and one that's been a major source of news for many years across Britain) and had to respond.

1018 Maryhill Road, Glasgow, G20 9TE
annie.wells.msp@parliament.scot
0141 945 6465

fb.com/anniewellsmsp @AnnieWellsMSP

The Scottish Parliament
Pàrlamaid na h-Alba

Annie Wells MSP
Member of the Scottish Parliament for Glasgow

It would have been an unusual move by the Party to have waited 72 hours until Monday to issue a response.

Our release didn't contain details of the report, or point journalists to where the report was found; we were merely responding to the day's news agenda.

Please do not hesitate to contact me should you wish to ask any further questions.

Yours sincerely

Annie Wells

Annie Wells MSP

1018 Maryhill Road, Glasgow, G20 9TE
annie.wells.msp@parliament.scot
0141 945 6465

fb.com/anniewellsmsp @AnnieWellsMSP

From:	Wells A (Annie), MSP
To:	investigations@ethicalstandards.org.uk
Subject:	RE: Complaint reference MSP/2141/18-19/5
Date:	14 August 2018 11:56:38
Attachments:	image001.png
Sensitivity:	Confidential

Dear [redacted]

Thank you for your email.

I can confirm that I received the final Prisoner Voting in Scotland Report on 11th May 2018 at 10:38am. It was sent via email by Chris from the Equalities and Human Rights Committee.

If you need further information, please do not hesitate to contact me.

Kind regards

Annie Wells MSP
Member of the Scottish Parliament for Glasgow

From: investigations@ethicalstandards.org.uk [mailto:investigations@ethicalstandards.org.uk]
Sent: 14 August 2018 11:05
To: Wells A (Annie), MSP <Annie.Wells.msp@parliament.scot>
Subject: Complaint reference MSP/2141/18-19/5
Sensitivity: Confidential

Dear Ms Wells

I refer to previous correspondence concerning the complaint against you.

In order to consider the complaint, it would assist us if you could provide further information. In particular, I should be grateful if you could confirm the date on which you received the Final Report on Prisoner Voting which is the subject of the complaint.

I look forward to hearing from you. Please quote our reference number on all correspondence. We would welcome your response electronically to investigations@ethicalstandards.org.uk.

In terms of section 12 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, I should be obliged if this email could be regarded as confidential to yourself.

Yours sincerely

Commissioner for Ethical Standards in Public Life in Scotland

CONFIDENTIAL

Ms Annie Wells MSP
The Scottish Parliament
Edinburgh
EH99 1SP

Reference: MSP/2141/18-19/5/DW

4 July 2018

Dear Ms Wells

Public Standards
Code of Conduct for Members of the Scottish Parliament
Complaint by Ms Gail Ross MSP

I refer to our correspondence regarding the complaint about you from Ms Gail Ross MSP.

Having considered the terms of the complaint, I have concluded that - for the purposes of the Scottish Parliamentary Standards Commissioner Act 2002 - the complaint is admissible and, therefore I intend to continue consideration of the matter.

I am writing to the Clerk of the Standards, Procedures and Public Appointments Committee to confirm this interim conclusion.

I wish to progress the investigation expeditiously and will write to you again as soon as possible regarding progress.

If you have any queries, please contact the office by telephone 0300 011 0550 or email investigations@ethicalstandards.org.uk

I should also be grateful if you would treat this matter on a confidential basis.

Yours sincerely

Bill Thomson
Commissioner

Commissioner for Ethical Standards in Public Life in Scotland

CONFIDENTIAL

Ms Katy Orr
Clerk to the Standards, Procedures
and Public Appointments Committee
The Scottish Parliament
Room TGO1
Edinburgh
EH99 1SP

Reference: MSP/2141/18-19/5/DW

4 July 2018

Dear Ms Orr

Public Standards
Code of Conduct for Members of the Scottish Parliament
Complaint against Ms Annie Wells MSP
by Ms Gail Ross MSP

I have received a complaint from Ms Gail Ross MSP alleging that Ms Annie Wells MSP has breached the MSP Code of Conduct. This relates to public comments allegedly made by her about a Committee Report prior to the date of its publication – section 7, paragraphs 12-15 (Confidentiality Rules) refers.

I write to inform the Standards, Procedures and Public Appointments Committee that in terms of the section 7(2) of the Scottish Parliamentary Standards Commissioner Act 2002, I have found the complaint is admissible and, therefore, I intend to continue consideration of the matter.

I will write to you further in due course.

Yours sincerely

[redacted]

Bill Thomson
Commissioner

GIVE KILLERS AND RAPISTS RIGHT TO VOTE

Outrage as SNP-led Holyrood committee calls for a ballot box in every prison and demands:

Scottish Daily Mail · 11 May 2018 · By Graham Grant Home Affairs Editor

PRISONERS in Scotland's jails would be given the right to vote under plans being drawn up by MSPs.

An SNP-led Holyrood committee is set to recommend allowing all inmates to vote – meaning killers, rapists and other serious criminals would no longer be barred from the ballot box.

The plans even outline a move for polling booths in the grounds of all prisons to end the ban on voting, which the MSPs say breaches criminals' human rights.

Lifting the ban without exceptions would mean prisoners such as depraved serial killer Peter Tobin would be entitled to a say in Holyrood and council elections.

Last night, victims' campaigner John Muir, 78, whose son Damian was stabbed to death in 2007, said: 'It is an obscenity that this is even being considered and an insult to all victims of crime.

'My son's civil liberties died with him on the street – why should someone who has committed murder, or carried out a brutal rape, be afforded the privilege of being able to vote?'

The Mail has seen a copy of the executive summary of the report by Holyrood's equalities and human rights committee, due to be released on Monday.

It says: 'On the basis of the evidence we received on electoral administration, the relationship between voting and the purpose of prison, democracy and human rights, the majority of the committee believes all prisoners serving custodial sentences should be entitled to vote.'

Latest figures show there are 6,093 offenders in the prison estate, with a further 1,168 awaiting trial and 280 awaiting sentence.

Last night, a well-placed source said: 'It's hard to believe MSPs on the committee think it's right that people who commit some of the most horrendous crimes be given a say in how our country is run.

'Most people will completely oppose a change in the law. It will strike them as perverse that Holyrood's top human rights priority is putting a ballot box in every prison.

'The proposal doesn't even distinguish between violent and non-violent offenders. Peter Tobin would get to play a part in choosing the next Scottish Government. Who in their right mind thinks that's a good idea?'

Tobin, 71, was jailed for the murder of Angelika Kluk in 2007 and was later convicted of killing Vicky Hamilton and Dinah McNicol.

Currently, only prisoners on remand can participate in elections. But for General Elections that will extend to those on temporary licence and under home curfew following a deal between the UK Government and the Council of Europe.

Powers over Holyrood and local elections are devolved to the Scottish parliament, with the UK Government deciding who can vote in General Elections.

The committee, which is chaired by senior Nationalist MSP Christina McKelvie, is now to ask the Scottish Government for an estimate of how many Scottish inmates would be eligible under the UK Government's approach.

The committee estimated 1,118 prisoners would register – but only 112 would vote.

The MSPs acknowledged 'the views of communities' but said these must be balanced against 'ensuring prisoners, many of whom have experienced trauma and abuse, are treated with dignity and fairness'. But they admitted their evidence sessions 'did not hear directly from victims of crime'.

The European Court of Human Rights has ruled blanket voting bans non-compliant with Article 3 of the first protocol of the European Convention on Human Rights. This requires contracting states to 'ensure the free expression of the opinion of the people in the choice of the legislature'.

The UK Government provoked anger last year by scrapping the blanket ban on prisoner voting.

But the committee's proposals go much further in recommending that all inmates should get the right to vote.

In September last year, a Scottish Government spokesman said: 'It would be for the Scottish parliament as a whole to consider prisoner voting.'

Last night, a Scottish Government spokesman said: 'The Scottish parliament's equalities and human rights committee is currently taking evidence on the issue of prisoner voting in relation to Scottish parliament elections from a wide range of justice and elections representatives.

'We await the conclusion of that work and will respond to any recommendations the committee makes in due course.'

The Scottish Prison Service said that its job was to implement whatever policy was decided by the Government.

Comment – Page 16

The Scottish Parliament
Pàrlamaid na h-Alba

03 SEP 2018

OFFICE OF PSCS

Annie Wells MSP
Member of the Scottish Parliament for Glasgow

Mr Bill Thomson
Commissioner for Ethical Standards
In Public Life in Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

28 August 2018
Ref: MSP/2141/18-19/5

Dear Mr Thomson

Public Standards
Code of Conduct of Members of the Scottish Parliament
Complaint by Ms Gail Ross MSP

Thank you for your letter dated 17 August regarding the complaint made against me by Gail Ross MSP.

Whilst I accept the conclusions made in sections 7.2 and 7.3 of your report, I would however like to make representations against section 7.1 which cites my reference to the Committee not having heard from victims of crime.

As far as I am aware, the evidence sessions held on the 7 September 2017 and 25 January 2018 were not held in private. Minutes of the meeting, bar what was discussed as part of the Committee's consideration of the evidence thereafter, were documented online on The Scottish Parliament's Official Report.

As information relating to the identity of witnesses was already in the public domain, I would therefore like to refute the conclusion drawn in 7.1.

Please do not hesitate to contact me should you wish to ask any further questions.

Yours sincerely,

Annie Wells MSP

1018 Maryhill Road, Glasgow, G20 9TE
annie.wells.msp@parliament.scot
0141 945 6465

fb.com/anniewellsmsp @AnnieWellsMSP

The Scottish Parliament
Pàrlamaid na h-Alba

Annie Wells MSP
Member of the Scottish Parliament for Glasgow

Joanna Hardy
Room CG.07
The Scottish Parliament
EH99 1SP

27 September 2018

PRIVATE AND CONFIDENTIAL

Dear Joanna

Thank you for your letter regarding the investigation into the complaint made against me.

When asked by the Commissioner if I accepted the terms of the initial draft Report, I responded with the letter enclosed on 28 August, which best lays out my existing position.

I would again like to reaffirm my original comments to the Commissioner upon hearing about the complaint.

On Friday 11 May the Daily Mail carried a story on their front page revealing the findings of the report, which had clearly been leaked to the Daily Mail.

Once that story was published, the Scottish Conservatives were approached by several journalists asking for our views on the matter. As such, we issued a response (as mentioned in the third line of our press release) to the story.

It would have been impossible to ignore an issue which was carried on the front page of one of Scotland's biggest-selling newspapers.

We were asked our position on one of the biggest issues of the day (and one that's been a major source of news for many years across Britain) and had to respond.

It would have been an unusual move by the Party to have waited 72 hours until Monday to issue a response.

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annie.wells.msp@parliament.scot
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The Scottish Parliament
Pàrlamaid na h-Alba

Annie Wells MSP
Member of the Scottish Parliament for Glasgow

Our release did not contain details of the report that weren't already in the public domain, or point journalists to where the report was found; we were merely responding to the day's news agenda.

Please accept this as my representation about the Commissioner's findings. Unfortunately, I am unable to attend before the Committee on 25 October.

Yours sincerely

Annie Wells

Annie Wells MSP

1018 Maryhill Road, Glasgow, G20 9TE
annie.wells.msp@parliament.scot
0141 945 6465

fb.com/anniewellsmsp @AnnieWellsMSP