

PE1765/B

Petitioner submission of 19 February 2020

Response to Scottish Government submission

The measures, which already exist to deal with any challenges to the probity of individuals holding public office have failed.

Gaps undeniably exist in the regulatory frameworks. I am able to provide extensive, legally tested evidence of the failure of the current system.

My responses to the Government's comments are as follow:

The Lord Advocate, as a Scottish Minister, was monitoring employer/employee discussions between a Chief Executive of a Government Department and a group of workers. Those workers were pawns in an ongoing campaign of slander by a group of MSPs against an incumbent Government. The Lord Advocate's duty as a (defending) Government Minister combined with his role as Head of the Prosecution Service produced a sub-optimal outcome, in terms of Justice, Ethics and Accountability of the post.

The Lord Advocate was cast in the role of an enabler of injustice, which would have been less likely to have occurred had his concern been for matters of Justice, alone; rather than the defence of the Scottish Ministers, also: in a civil case in which he himself was a defendant.

The evidence of that enabled injustice has been legally tested and documented. I will provide that evidence to the Committee, when/if requested to do so.

The Lord Advocate's Ministerial role was not independent of his role as Head of the Prosecutorial Service; in terms of his communications and his actions. I will submit evidence of that fact to the Committee when/if it is requested.

Existing probity arrangements, said to incorporate appropriate sanctions, proved not to be sufficient to prevent system failure. Instead, decision makers decided that any cost to the public purse was appropriate in order to cover their own failures and unethical practices in Government positions. The evidence proves beyond doubt that existing arrangements are not fit for purpose. I will provide that evidence to the Committee, when/if requested to do so.

On the basis of the aforementioned evidence, the Committee may wish to consider whether a compensation scheme and/or other mechanisms - by which decision makers may be made to feel held directly accountable for failure to behave ethically in public office - are appropriate to dissuade Government and its organisations from spending public money; in order to hide their own wrongful, damaging actions.

As regards 'institutional oversight' of the Scottish Government, the Government's accountability to the Parliament in respect of all ministerial functions and activities proved vulnerable, and open to abuse by a Political

Party, which wished to undermine the incumbent by means of a campaign of slander and libel against Government service employees. That campaign proved successful. It demonstrated that the current system is not robust; unethical individuals may choose to harness it for bad purposes and outcomes.

Paragraph 1.3 of the Scottish Ministerial Code, which recognises, Ministers have a duty to comply with the law, including international law and treaty obligations: did not ensure that the Ministers, and the services for which they are accountable, complied with the law, and/or judgments of the UK Justice System. The Government is therefore, in practice, not already wholly accountable in that regard.

I have evidence of the Government's, and its agencies' failures to respect and uphold the law. I will provide that evidence to the Committee, when/if requested to do so.

I hope that the content of this letter is helpful to the Committee. This is merely a response to the Government's submission to the Committee. I am hopeful that the Committee will request and give consideration to the detail of this petition, and the evidence that supports it: which has been gathered and rigorously tested over two decades.

Having been asked to provide a response to the Government's submission, limited to no more than three A4 sheets of paper, and aware that the evidence in support of any point of information in the petition would exceed that limit, my response is necessarily brief.