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SNP government officials privately admitted they DID break the rules over a controversial Glasgow funding deal before last month's local elections, the Scottish Conservatives can reveal.

Freedom of Information documents published today show that civil servants and even the First Minister's official spokesman conceded privately it was "the wrong call" to announce £8.35m funding for Glasgow just two days before Council elections.

The revelations call into question Nicola Sturgeon's senior officials' handling of the scandal.

After complaints by the Scottish Conservatives into "cash-for-votes" affair, the Scottish Government's permanent secretary, Leslie Evans, insisted that there had not been a breach of pre-election guidance.

The Scottish Conservatives are today calling on Nicola Sturgeon to launch a full investigation into affair.

The party is also today publishing all the FoI material it has received.

Scottish Conservative North East MSP Ross Thomson said:

"After we pressed them, Nicola Sturgeon's top official tried to claim in public that the government had done nothing wrong.

"Now we know the truth – officials admitted they made 'the wrong call', and then the SNP government tried to cover it up.

"Nicola Sturgeon must now launch a full investigation into this entire murky affair.

"First, the SNP government unveiled a spending announcement in its key target area of Glasgow, just days before the council elections.

"Now we learn, ahead of next week's general election, it tried to cover up its mistakes. "This whole affair stinks – and it has shone a light on the SNP's culture of secrecy, denial and evasion.

“Nicola Sturgeon cannot wash her hands of this any longer. She must act.”

1. **FoI material can be accessed here. The Permanent Secretary’s letter to Ross Thomson is at the end of the documents.**
<http://www.scottishconservatives.com/wordpress/wp-content/uploads/2017/06/FoI-response-letter-1-Jun17.pdf>
<http://www.scottishconservatives.com/wordpress/wp-content/uploads/2017/06/FoI-final-response-issued-Annex-B-1-June-17.pdf>
2. **The original press release publicizing the funding announcement is here.**
<https://news.gov.scot/news/gbp-8-35-million-to-support-urban-regeneration-in-the-heart-of-glasgow>
3. **A summary of the FoI material is here**
 1. **Civil servants and the FM’s spokesman accepted they had ‘made the wrong call’**

After Ross Thomson complained, civil servants exchanged a number of emails. In one of the first of these, the Director for the relevant team apologised and said it was the wrong call:

3 May 2017, 18:47

*Lesley Fraser, Director for Housing and Social Justice, Scottish Government
To Sarah Davidson, DG Communities ‘*

Just spoken to [redacted] who is apologetic for not having questioned this further...my apologies to you and Perm Sec, Sarah. I think this has been a genuine error of judgment about regular announcements that affect communities across Scotland – but clearly the wrong call on this occasion. I think that Barbara will also want to consider the comms role here, and happy to work with her and James H to learn lessons.’ (p95)
How did we consider and apply the guidance on activity during the pre-local government election period?

Both communications and policy colleagues were aware of the guidance. The view was that as this was the third of 3 regeneration announcements this year, there was a pre-existing format and process for this third announcement and an element of comfort afforded in this. Other considerations were: the previous 2 had attracted little attention [more reasons are listed]...All colleagues in policy and communication teams now recognise that this was an error of judgement.

Note: this clearly follows the line taken in Fraser’s previous email, implying the error of judgement was to breach purdah guidelines.

Lessons learned

These decisions are ultimately a judgment call and it is clear on this occasion the wrong call was made. Both the Communications team and policy team were aware of the guidance and raised it in the email exchanges they

had. With hindsight specific question should have been asked about who had been consulted (senior management, cabinet secretariat, etc) and if there was any precedent for such a geographically specific announcement to be made at a politically sensitive time. There was no pressing time factor behind making the announcement at this time. All those in the policy and communications teams involved have been spoken to and understand why their judgement was wrong in this instance. They will all be coached further in gaining a full understanding of the pre-election guidance. ' (p132)

Sarah Davidson, DG of Communities, replied on 4 May at 21:44 saying 'Great note Lesley, really clear and professional.'

The First Minister's official spokesman agreed 'we called it wrong'.

In exchanges editing the report, Shirley Laing specifically left in an explicit reference it was the wrong decision:

4 May 2017, 15:40

Shirley Laing, Deputy Director, Social Justice & Regeneration Division, Scottish Government

To: REDACTED

'The version I have sent back takes on board the bulk of your changes.

I have however left in the judgement call reference and an indication that we called it wrong on this occasion as Lesley and I felt it was important to address that up front.' (p124)

The First Minister's Official Spokesperson replied saying:

4 May 2017 15:16 From First Minister's Official Spokesperson To Shirley Laing

"Hi Shirley – I am ok with that – I just thought it was implicit that it was a wrong call given where we are."

James Hynd then watered-down the meaning of 'error of judgement'

- James Hynd, Head of Cabinet, Parliament and Governance Division then asked Lesley to clarify what 'error of judgement' meant (p. 146, 5 May 13:37).

In the first instance, and a primary concern, is that colleagues failed to follow the guidance to seek advice from senior management/Cabinet Secretariat etc on cases like this. If I had been asked, I would have been concerned that this could have been perceived as falling within the scope of the restrictions, and I would have instructed colleagues to seek further advice from Cabinet Secretariat.'

- James Hynd also mentions a conversation. This conversation would appear to be the source of the 'clarification' – which clearly changes a breach of rules into a more technical failure to check if rules were being

broken.

- Hynd replied that this 'further clarification would allow the Permanent Secretary to decide her response'.
- 5 May, 13:44. Hynd then emailed Leslie Evans saying that 'Lesley has confirmed that this is a reference to the process failure of her team to seek advice from senior levels within the Directorate.' Hynd does not mention in his note to Leslie Evans any of Lesley Fraser's comments that 'the wrong call was made', or the apology in her first email after
- Hynd's draft letter to Evans – which she sent on to Ross Thomson – repeats this strong language that no guidance was broken.

In other words, Hynd's report and Evans' subsequent letter misrepresent what Leigh and Fraser said, contradicts the view of the communications team, and of the FM's Official Spokesman.