

Public Information
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7 September 2026

Complaint Ref. No.: 722543

Dear Diarmid Jamieson

I am writing in response to your complaint, reference number as above.

You contacted Public Information on 3 August 2026 to complain about the handling of a submission to the session 6 Constitution, Europe, External Affairs and Culture (CEEAC) Committee that you consider contains defamatory references to Liberation Scotland.

As Director of Parliamentary Business, I have management responsibility for the clerking teams that support parliamentary committees. I arranged for an investigation into your complaint to be conducted by a colleague with no prior involvement in these issues. In this letter, I will explain what was found out during the investigation and what my conclusions are.

Before I set out the results of my investigation, please accept my apology for the delay in responding. As Public Information staff explained when they contacted you on 19 August, it was not possible to complete the investigation within 20 working days of 3 August. Thank you for your patience.

Your complaint

The elements of your complaint outlined in the acknowledgement email sent to you by Public Information on 19 August 2026 and that have been investigated are:

1. The failure to remove defamatory references to Liberation Scotland from the submission by Professor Aileen McHarg to the session 6 CEEAC Committee that was posted on 11 November 2025, and the lack of opportunity offered to Liberation Scotland to respond to the submission before its publication.
2. The failure by the clerks to the session 7 Europe, External Affairs and Culture (EEAC) Committee to provide Liberation Scotland with a right to reply by

publishing its response to the report 'Options for a legal mechanism for triggering any independence referendum' by the session 6 CEEAC Committee.

We understand that you were seeking the following outcomes:

1. Publication of the response by Liberation Scotland to the report 'Options for a legal mechanism for triggering any independence referendum' in a manner that gives it parity with Professor McHarg's submission
2. The addition of a supplementary 'rider' to the published committee report and submissions, explaining that the response by Liberation Scotland represents a right of reply to remarks within the published evidence
3. An apology.

Background

In September 2025, the CEEAC Committee agreed to undertake an inquiry into options for a legal mechanism for triggering any independence referendum. This was a short inquiry. Written and oral evidence was received in November and December 2025 and the Committee's report was published in February 2026.

The investigation

As set out in the acknowledgement sent to you on 19 August, the actions of MSPs and decisions made by the MSPs on Scottish Parliament committees are not within the scope of the SPCB's complaints handling procedure, and they have not formed part of the investigation. This means that matters such as the contents of the report and decisions on the approach to the inquiry, including who the committee did and did not receive evidence from, were not part of the investigation.

As such, the investigation has focused on whether staff have followed the appropriate procedures, guidance and administrative processes when dealing with the written submission from Professor McHarg and when dealing with the subsequent correspondence from Liberation Scotland.

Committee inquiries

Before I come to your specific complaints, I feel it would be helpful to set out some of the context around committee inquiries. These are pieces of work initiated by a committee. The committee will decide how they wish to take evidence and what areas they want to focus on, as well as how to promote the inquiry and whether to conduct any engagement work. Committee minutes record decisions to undertake an inquiry, and inquiries can also be publicised on a committee's webpage or on social or traditional media.

Committees generally expect those providing written or oral evidence to put forward their views, experiences and arguments and to engage with commentary around the issue under discussion. This can include identifying areas of disagreement with other arguments being proposed. This is an important element of committee scrutiny and the publication of this evidence is not an endorsement by a committee of any particular views. The default position of committees is to publish as much of the

evidence received as possible. It is not standard practice to inform individuals or organisations that they have been referred to in evidence.

You can find more information about how committees work in the [Guidance on Committees](#) on the Scottish Parliament's website.

Complaint 1: The failure to remove defamatory references to Liberation Scotland from the submission by Professor Aileen McHarg to the session 6 CEEAC Committee

The staff supporting the CEEAC Committee published evidence received from Professor Aileen McHarg in November 2025.

The usual process for processing written evidence is to review it to see if it contains any matters that are sub judice, defamatory or otherwise inadmissible. Where such matters are identified, the process is to seek additional advice if required and, if the material cannot be published, to go back to the person submitting the evidence to advise them of this and the reason why.

The lead clerk of the CEEAC Committee during this inquiry does not recall concerns about the content of Professor McHarg's evidence at the time and, on review, does not believe the clerking team would have considered it necessary to seek additional advice on it.

The current clerk of the EEAC Committee has confirmed that he also did not view the evidence as raising concerns of defamation but, in light of your complaint, sought additional advice in line with our processes.

As I have set out above, it is both expected and necessary that people providing evidence to committees will engage with the arguments around the issue under discussion, including, on occasion, explaining why they disagree with arguments that are being put forward.

For this reason, along with my own reading of the evidence and the additional advice the clerk of the EEAC Committee received, I am not upholding this element of your complaint. Professor McHarg's comments are an explanation of why she disagrees with specific lines of argument and the evidence was dealt with in line with our administrative practice and procedural requirements.

Complaint 2: The failure by the clerks to the session 7 EEAC Committee to provide Liberation Scotland with a right to reply

When you raised your concerns about Professor McHarg's evidence with the clerk of the session 7 EEAC Committee, you were advised that, as the inquiry was both a completed and closed inquiry and work conducted in the previous parliamentary session by the predecessor of the EEAC Committee, no further evidence would be published and your options were to publish your submission on your own website

and/or to contact the members of the current committee with the information directly. You are dissatisfied with this as you believe you should have a right of reply.

There is no right of reply to Scottish Parliament committee reports or to evidence given to a committee. We do have processes in place to review evidence where concerns are raised after publication and, should defamatory material be found to have been published in error, we would take steps to identify a suitable resolution.

As I have set out above, I do not consider that Professor McHarg's evidence is defamatory and there is no right of reply to committee reports or evidence. As a result, the advice you were given by the clerk of the session 7 EEAC Committee, namely that no further evidence in relation to this inquiry would be published by the committee, was correct. The clerk of the committee identified two routes available to you to highlight your views – emailing members of the committee directly and publishing the material on your own website – and I have no further suggestions to add to that. The clerk of the committee provided accurate advice to you based on our established practices and so I do not uphold this element of your complaint.

What happens next

If you have any administrative or procedural questions about my response, please contact our Public Information team using the details at the top of this letter and they will let me know.

I hope that this response is helpful, but if you are unhappy with it, you can ask the Scottish Public Services Ombudsman (SPSO) to review our handling of your complaint. You can find contact details for the SPSO in the attached annex.

We handle any personal information you provide in line with data protection law and we will use the details only in order to deal with your complaint. To find out more about what we do, please see our [privacy notice](#) or [ask us](#).

Your sincerely,

Callum Thomson
Director of Parliamentary Business

Annex

The Scottish Public Services Ombudsman (SPSO) looks at issues such as service failure and maladministration (administrative fault), as well as how we have handled your complaint.

If you wish to have your complaint reviewed, you should notify the SPSO no later than 12 months after you became aware of the matter you wish to complain about.

The SPSO's contact details are given below:

Postal address	Scottish Public Services Ombudsman Bridgeside House 99 McDonald Road Edinburgh EH7 4NS
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You can ask SPSO for a freepost envelope.

Telephone	0800 377 7330
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BSL users can call the SPSO via Contact Scotland BSL, the online British Sign Language interpreting video relay service. Find out more on the [Contact Scotland BSL](#) website.

Online form	www.spsso.org.uk/contact-form
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In person	If you would like to visit in person, you must make an appointment first by phoning or using the online contact form .
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You can find further information about accessing SPSO on its website:
www.spsso.org.uk/contact-us