



Scottish Criminal Record Office

W A Gilchrist
Deputy Crown Agent
Crown Office
25 Chambers Street
EDINBURGH EH1 1LA

No.1 Pacific Quay
GLASGOW
G51 1EA
Switchboard 0141-585 8400
Facsimile 0141-585 8402

Direct Line 0141-585



Your ref. WAG/GL

Our ref. HB/AA

Date 31 May 2002

Dear Mr Gilchrist -

SHIRLEY MCKIE CASE

I refer to our telephone conversation on 30 May and our discussion regarding a letter of response to Mr Iain McKie. In this regard I offer the following comments for your consideration.

As you are aware, SCRO employed the services of an employment law specialist company throughout the period of the SCRO experts' suspension. The future use of the officers as expert witnesses is a matter specifically referred to by them. They were clear in their statement that the officers could justifiably claim constructive dismissal if SCRO were to actively restrict their area of expertise by preventing them from being available to give expert evidence. It was recognised that the Crown Office held the list of expert witnesses and while the employment specialist were of the view that there may be some grounds for a third party, in the form of the Crown as a customer, stating that they did not wish to receive such evidence from the officers, the decision thereafter would leave SCRO open to challenge of constructive dismissal as there was no evidence of criminality, misconduct or lack of capability.

The employment law specialist was clear that, should the SCRO officers proceed with a constructive dismissal claim, the Crown would be called to explain their involvement in that decision making process.

I would therefore suggest that you may wish to consider the following,

"The Crown is aware that the officers are involved in a return to work strategy. In light of the ongoing civil litigation and the other relevant circumstances, it is considered that it would be inappropriate to make any direct comment on this matter at this time."

While the officers are currently on the list of expert witnesses, as Director, I would consider it appropriate that when the officers are ready or indeed are being considered for evidential purposes, I would meet with the Crown to address issues relevant at that particular time.

Yours sincerely

Harry Bell
Detective Chief Superintendent
Director - SCRO