

## **SCRO Experts complaint against First Minister**

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**By John Robertson, Political Reporter, Scottish Press Association (ScotFile:News special)**

Former First Minister Jack McConnell was today cleared of misleading Parliament in the latest twist in the Shirley McKie case.

But watchdogs upheld a complaint that officials failed to respond correctly to a complaint from a fingerprints officer over comments made by the former Labour leader while he was in office.

And a Scottish Public Services ombudsman report published today calls for the arrangements for making complaints against ministers to be clarified.

The long-running saga began 10 years ago when a print found at the Kilmarnock home of murder victim Marion Ross was falsely identified as belonging to then Detective Constable McKie.

She was later cleared of perjury after challenging the evidence of fingerprint experts working for the Scottish Criminal Record Office.

And in February last year she received a GBP750,000 out-of-court settlement from the Scottish Executive.

But a parliamentary inquiry last year could not get to the bottom of the case and the experts have stood by their identification.

The Scottish Criminal Records Office employee, known only as Mr C in the ombudsman's report, claimed that Mr McConnell knowingly lied during First Minister's Questions after the settlement was agreed in February 2006.

He complained to ombudsman Professor Alice Brown that Mr McConnell was wrong to say "all concerned" accepted that the case had been an "honest mistake".

But after viewing a briefing note on the case given to Mr McConnell, Prof Brown ruled that was the Motherwell and Wishaw MSP's honest understanding of the situation.

"The evidence I have seen does not demonstrate maladministration by the Scottish Executive in preparing briefing material ahead of FMQs," the report states.

"Nor do I see any evidence of a deliberate attempt by the First Minister to mislead."

A claim that there is no clear and publicly available complaints procedure for the office of First Minister was also rejected.

However, it was partially upheld that the Scottish Ministerial Code lacks a clear mechanism for bringing complaints against ministers.

The ombudsman ruled that the Office of the First Minister failed to respond to letters from the complainer's solicitor.

Prof Brown acknowledged that the pressures of work or the complexity of the case could have caused a delay in responding.

Her conclusion also noted that dispute surrounds whether Mr McConnell's staff replied to two letters from the complainer.

"However, the Scottish Executive should have provided an indication of how long it would take to respond to the complaint as well as an explanation of why there has been a delay," the report adds.

"It would also have been helpful to have advised Mr C that the matter had been passed from the office of the First Minister to the Scottish Executive Justice Department and that a response would be coming from that department."

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#### **Scottish Executive Report**

<http://www.spsa.org.uk/reports/report.php?id=607>