

THE ELJAMEL INQUIRY

Submission to the Inquiry on behalf of Scottish Government in the capacity as sponsor of the Inquiry

As is recognised by Counsel to the Inquiry in his helpful note of 7 May 2026, it is important to set the context within which the Scottish Government and the Inquiry operate.

The Scottish Government, whilst recognised as a core participant of this Inquiry, also has a duty to fund the inquiry consistent with sections 39 and 40 of the Inquiries Act 2005. In addition, in accordance with usual practice, the Scottish Government has offered to provide sponsorship support to the Inquiry (for example in the form of IT support, HR support, assisting the Chair in the securing suitable accommodation for the Inquiry, etc.), in order to assist the Inquiry with its work and progress. Notwithstanding these different roles Scottish Ministers have no separate legal capacity in this respect and are indivisible in law. Administrative arrangements for sponsorship are nevertheless separated from the response as core participant.

The Inquiry was established under section 5(1) of the 2005 Act by the Scottish Ministers, in order to act in accordance with its terms of reference. In that context it is unusual for matters of sponsorship to be addressed in formal proceedings and whilst Scottish Ministers are content to make these submissions at this point they reserve their position for the future.

It is in the role of Inquiry sponsor, that the Scottish Government makes the following submissions, in advance of the Procedural Hearing planned for 14 May 2026.

These submissions provide a response to those Inquiry sponsorship specific matters raised by Counsel to the Inquiry through his note of 7 May 2026.

The specific matters to be addressed relate to Section 2 of the note. These include, but are not limited to:

- Issues relating to the hearings venue and the built environment;
- The impact to the hearings schedule and consideration of alternative arrangements; and
- Staff related matters, including confidentiality arrangements.

Taking each matter in turn, the Scottish Government offers the following progress update and information:

Issues relating to the hearings venue and the built environment

Part of the relationship between the Inquiry and the Scottish Government, involved arrangements being made for the hearings suite to be used for the Inquiry's public hearings.

Given the importance of the issues relating to the hearings suite, we welcome the request by the Chair, and opportunity provided therein, to give a detailed overview of the series of events that led from the initial identification of the specific safety issue, to the current progress towards an effective resolution.

The Scottish Government, through the Inquiry sponsor team, remains committed to working towards an effective and timely resolution to the issues that have been identified. The impact to the important work of the Inquiry is recognised and lessons will be learned from the series of events that will inform future planning and arrangements.

Background to the Waverley Gate Issues

The Eljamel Inquiry is based in Waverley Gate, Edinburgh, which was owned by the private sector firm Kennedy Willson from February 2022, and later sold to Melford Capital on 24 March 2026. The Inquiry has individual offices in the building and shares a hearing suite with the Scottish Covid Inquiry.

The Scottish Government is the lease holder of the space occupied by both Inquiries.

The specific safety issue in question relates to the fire certification of the route to and from the hearing space which is deemed by City of Edinburgh Council (CEC) as lacking an appropriate building warrant demonstrating the required fire safety. The Scottish Government only became aware of CEC concerns following a survey of completed refurbishment works in the office space occupied by the Eljamel Inquiry on 16 December 2025.

Initially, there was a lack of clarity around the specifics of the emerging issue as information around appropriate fire standards and statutory consent of the planning application affecting the two spaces leased by Scottish Ministers that currently exist within that floor, was unclear. The fit out contractor identified the potential issue which was then subject to further investigation which included discussion with CEC. This matter was initially further compounded by the building being put up for sale and the subsequent change in ownership. The previous landlord became unwilling to engage and the new landlord had very little prior knowledge of the matters. The Scottish Government officials have been in frequent regular contact with the Inquiry Team, in particular the Secretary to the Inquiry to provide information as to the issues and progress.

Timeline of events

16 December 2025 - The contractor reported an issue with the sign off by building control of the building warrant. CEC raised an issue with fire stopping capacity of the walls, which led to detailed conversations with building control and fitout contractors.

18 December to the 23 December 2025 – Scottish Government were provided with more information of the issue from the Eljamel Inquiry fitout contractor who provided an update to both inquires impacted. This was shared with them on 23 December highlighting that building control did not recommend the public be allowed to use the space, but continued use by employees familiar to the office was acceptable.

12 January 2026 - It was reported that CEC were not satisfied with the measures in place and sought further clarification on the existing building warrants or further remedial measures undertaken to secure sign off of the building warrant.

The Scottish Government continued to provide frequent oral updates to the Inquiry Team on progress around the issue outlined.

23 March – Scottish Government organised a meeting between the architect, fit out contractor and landlord Kennedy Wilson. The landlord did not attend that meeting.

24 March 2026 – Around this date, ownership of the building changed from Kennedy Wilson to Melford Capital. The previous landlord became unwilling to engage and the new landlord had very little prior knowledge of the matters. SG started to seek engagement with the new managing agent.

26 March 2026 – Scottish Government met with the case officer at CEC who acknowledged the impact of the landlord having no warrant for work on the original leased area. Scottish Government pressed for a meeting with the new landlord, in order to understand how they will secure the necessary warrant and seek assurance around the immediate need for progress.

26 March 2026 - Following the transfer of ownership, Tila Commercial were appointed to manage the building on behalf of the new landlord, Melford Capital. The agent responded to emails from Scottish Government to confirm that the new landlord was in the process of seeking a retrospective warrant which would address the issue. Scottish Government continued to press for assurance and action from the landlord.

7 April 2026 – CEC wrote to Scottish Government highlighting the fire stopping issue, stating that a temporary occupation certificate could not be issued and therefore it was not possible to permit access by the public to the Inquiry space.

14 April 2026 – First contact received from Melford Capital as new landlord. Scottish Government responded immediately requesting a meeting.

15 April 2026 – The Inquiry Team reported to Scottish Government officials that the Waverley Gate building manager had been on site looking at the walls in question with professional advisors appointed by the landlord.

16 April 2026 – Scottish Government officials met with the new landlord to explain the issue being faced and to seek their support with the necessary resolution; pressing again the importance of the issue and significant impacts on us as the tenant. Scottish Government became aware that professional advisors were instructed by the landlord to ascertain how a retrospective warrant could be achieved by the landlord.

22 April 2026 – Scottish Government officials attempted contact with CEC and issued a follow up email.

27 April 2026 – Scottish Government officials attempted contact with CEC and issued a follow up email.

28 April 2026 – Scottish Government officials requested an updated from the landlord.

1 May 2026 - Scottish Government officials called landlord for a progress update. The landlord confirmed that professional advisors had reported back to them and that they had reached an agreed position on the works required to satisfy building control for a retrospective warrant to be issued. A contractor had been instructed to assess the delivery of the works required and would report back to the landlord week commencing 4 May.

6 May 2026 - Scottish Government officials further attempted contact with the new landlord seeking an update from the contractor reporting on cost to deliver a solution.

7 May 2026 – Landlord called Scottish Government officials and suggested that a shaft wall could be created along the corridor to meet the standard set by building control and was open to other suggestions. A specification would need to be worked up for this as the suggestion is high level at this time and will also include timescale and costs. A meeting has been agreed to take place between Scottish Government officials and the Landlord on 13 May to progress this matter to resolution. An update to the Inquiry Team will follow that meeting.

The impact to the hearings schedule and consideration of alternative arrangements

The safety of our staff and members of the public is paramount. Whilst we work to ensure that we provide safe environments for staff and the public to operate within, we recognise the significant interruption to the planned proceedings of the Inquiry and to those affected by the matters under investigation. We further recognise, therefore that the decision taken by the Chair to postpone the planned April/May hearings was not taken lightly.

A key mitigation that was considered as part of the resolution strategy, was to consider alternative facilities. Facilities that achieve (as a minimum) the same standard of service and capability as Waverley Gate.

Counsel to the Inquiry's note sets out attempts by the Inquiry Team to explore such options, and concludes that despite the work undertaken to identify suitable alternatives to Waverley Gate, no feasible alternative was identified. The suitability of accommodation is a matter for the Inquiry but an alternative was identified by Scottish Government officials and suggested to the Inquiry team.. This accommodation is an alternative hearing suite in Edinburgh, occupied by the Scottish Child Abuse Inquiry which is considered to be fully equipped and is currently available as alternative accommodation. In addition, Scottish Government officials are also looking into the acquisition of the former Hospitals Inquiry space at Mint House which was vacated in April 2026.

Whilst we consider that alternative accommodation does exist, we respect that it was a decision for and taken by the Chair to postpone the Section 1 hearings until later in the year and that we should continue to drive towards the effective resolution of issues relating to the Waverley Gate facility.

Staff related matters, including confidentiality arrangements

Our understanding is that the single outstanding element of the Management Agreement to be agreed is the section on confidentiality, which we cover below. At the meeting on 16 April 2026, the sponsor team agreed with Lord Weir to effectively adopt all other elements of the Management Agreement, pending resolution of the outstanding matter of confidentiality and ultimately the official sign off of the Agreement.

With regard to confidentiality undertakings, we wish to again place on record that we recognise the importance the Chair places on safeguarding the independence and integrity of the Inquiry. We acknowledge that the requirements of Scottish Government staff whilst working in an Inquiry and when providing support to the Inquiry through services such as IT support, HR etc can be different and ought to be clearer for all parties, including the position around confidentiality. The approach referred to below seeks to address this.

It is important to highlight that any breach of confidentiality by its staff would be for the Scottish Government as the employer to manage alongside the Inquiry, using Scottish Government disciplinary policies and procedures.

The Scottish Government presented an agreed corporate approach to be adopted on confidentiality in respect of Scottish Government staff working in a Public Inquiry team. This was supplemented by the offer to work collectively with the Inquiry team to ensure sufficient and appropriate wording within appointment letters which would be issued to Scottish Government staff. This was presented in writing and discussed in person with Lord Weir.

Lord Weir indicated his requirement for a personal undertaken to himself as the Chair, signed by Scottish Government staff.

Scottish Government is currently actively considering the most appropriate way to navigate these two approaches, such as to provide the necessary assurance to the Chair and to do so in a manner acceptable to Scottish Government as the employer of SG staff. This, by way of illustration, includes ensuring SG staff have access to HR and Trades Union support which is unfettered by any such undertaking. It is perhaps helpful context to share that a number of Scottish Government staff have raised concerns with the Inquiry team's proposed approach to personal undertakings.

On the recruitment of staff, it was set out on 1 April in a letter to the Chair that recruitment issues and concerns identified need to remain our priority focus in terms of achieving a positive resolution and establishing a stable practice moving forward, which recognises the independence of the Inquiry in terms of future recruitment plans that align with agreed workforce plans.

Whilst currently support is provided through Scottish Government officials dealing with sponsorship matters, the ambition remains that the Secretary to the Inquiry should establish an independent and effective relationship with Scottish Government HR business partners, or consider embedding specific HR support for the Inquiry separately. This was the approach adopted by the Scottish Covid Inquiry. This option also presented in 1 April letter Chair, may go some way in addressing points about effective recruitment.

At the meeting on 16 April, the Sponsor team inquired about any outstanding vacancies in the Inquiry.. The Secretary confirmed that there were no outstanding vacancies at this time. It is the sponsor team's understanding this position remains accurate as of today.

The importance of effective and forward workforce planning was reiterated to enable the Inquiry to achieve the necessary staffing levels in sufficient time and to be supported in recruitment by the Sponsor Team and HR where and when it is needed.

Eljamel Inquiry Sponsorship team

Scottish Government