



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: DR LESLEY THOMSON QC

You asked for the Committee's advice about an appointment with Glasgow Caledonian University.

The Committee's remit

It is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Your application

The Committee noted that you propose to become a Lay Governor at Glasgow Caledonian University. You stated that this role is unpaid and part-time, with a time commitment of 15 days per year. You also stated that your role would be similar to an independent Non-Executive Director dealing with strategy, finance and remuneration.

The Committee took into account that you confirmed you did not have official dealings with the University or its competitors whilst in office and have no commercially sensitive information that could benefit it. Further, you do not personally expect to have any contact with Government as part of your role as a Lay Governor.

The Permanent Secretary of the Scottish Government, Leslie Evans, was contacted and this application was considered by several senior officers in the Scottish Government.

The Permanent Secretary confirmed she does not envisage any conflict of interest in relation to you taking up this post and can see no likelihood that the appointment could be seen as a reward. Taking this into account, and that she does not expect you would have any, or seek to have any, direct role in engaging with or lobbying Government on funding issues, she has no concerns about this appointment.

Considering the above, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in Ministerial office;
- for two years from your last day in service, you should not become personally involved in lobbying the Scottish Government on behalf of Glasgow Caledonian University or its students, or make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure funding on behalf of Glasgow Caledonian University or its students.

By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code, or otherwise.

The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister *"should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office."*

I should be grateful if you would ensure that we are informed as soon as you take up this position, or if it is announced that will do so (I enclose a form for this purpose). We shall otherwise not be able to deal with any enquiries, since we do not release information about

appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether she had complied with the Rules.

I should also be grateful if you would ask that you inform us if you proposes to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

Dr Lesley Thomson QC