

*From the Chair*



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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You approached the Committee for advice on taking up an appointment as a member of the Advisory Council of WWF Scotland.

The Committee's role and remit

It is the Committee's role to advise on the 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.

Advisory Council member, WWF Scotland

You propose to become a member of the Advisory Council of WWF Scotland. This is a part-time role and it is unpaid.

You explained that the purpose of the Advisory Council is to enhance the effectiveness and public standing of WWF Scotland as part of WWF-UK and the wider WWF network, by providing advice, scrutiny and accountability. Members of the Advisory Council are expected to attend quarterly meetings and also contribute individually to the work of the organisation when appropriate, for example, on areas of particular interest and/or expertise or by representing WWF Scotland at certain events.

You explained that the role is not likely to include contact with Government.

You informed the Committee that you met with WWF Scotland on a number of occasions to discuss climate change issues, including at stakeholder events. You met with a range of organisations and stakeholder groups on climate change issues, especially in the run up to and including the UN Climate Change Conference in Paris in December 2015.

You added that as an elected member of the Scottish Parliament (2011-2016), prior to your Ministerial role you met and engaged with a wide range of organisations and stakeholder group on issues relating to the environment and climate change. This was partly in your capacity as a South of Scotland MSP and partly in your capacity as a member of the Scottish Parliament's then Rural Affairs, Climate Change and Environment Committee.

The Committee sought a view on this application from Leslie Evans, Permanent Secretary to the Scottish Government, who confirmed that she has no concerns about the appointment.

Ms Evans explained that, as an environmental NGO, WWF Scotland lobbies the Scottish Government about its policies, and Scottish Government officials liaise regularly with WWF Scotland as a key stakeholder in climate change policy. Given its focus on conservation, WWF has a general interest in the policy work within your former portfolio and would therefore have come into contact with you.

In terms of specific engagement with WWF Scotland during your tenure, Ms Evans raised the following:

- WWF Scotland's Acting Director was seconded to the Scottish Government for a short time while you were a Minister, and you would have been consulted on the secondment.
- You approved 2 grants (£18,000 in 2014/15 and £10,000 in 2015/16) to WWF Scotland in relation to WWF Earth Hour. This is an ongoing partnership with WWF, which preceded your time in office and has continued afterwards.

Ms Evans can see no evidence that you would have had access to commercially sensitive information or information about unannounced policy that could unfairly advantage WWF. Ms Evans noted that, as you left office almost 2 years ago, any information which may have been sensitive will be out of date.

#### The Committee's consideration

The Committee observed that you are seeking to take up an appointment in a sector that overlaps with the responsibilities you had as Minister for Environment, Climate Change and Land Reform in the Scottish Government and with an organisation that you had contact with

while in office. This combination of factors can often be a cause for concern, however; in this case, the Committee is satisfied that the risks under the Business Appointment Rules in relation to this appointment are low.

The Committee concluded that it would not be reasonable to perceive this appointment as a reward for decisions made in office as the appointment is unpaid; and while you approved two grants to WWF while you were a Minister, this was consistent with an ongoing partnership between the Scottish Government and WWF Scotland that predated your time in office and has continued afterwards.

That nearly two years have passed since you left your Ministerial position is an important factor in the consideration of this application. The Committee took into account the Permanent Secretary's assessment that any information that you had access to while in post, will now be out of date. The Committee also notes that, as a member of the Advisory Council, you do not expect to have contact with Government. The Committee has concluded that, subject to the conditions imposed below, the risk of WWF Scotland unfairly benefitting from your time in office is low.

Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

- that 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; and
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the Scottish Government on behalf of WWF Scotland or the wider WWF network, or make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure funding or business on their behalf.

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 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 inform us as soon as you take up this appointment, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the

circumstances, it might be necessary for you to seek fresh advice.

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 Aileen McLeod