



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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3 June 2019

The Committee has been asked to consider an application from Sarah Davidson, former Director General for Organisational Development and Operations at the Scottish Government.

Appointment details

Ms Davidson seeks the Committee's advice on taking up an appointment with The Carnegie UK Trust (Carnegie UK) as Chief Executive. Ms Davidson informed the Committee this is a full-time, paid appointment and she received this offer of employment following an open recruitment.

According to their website, Carnegie Trust UK is a charitable organisation that seeks to improve the lives and wellbeing of people throughout the UK, particularly those who are disadvantaged. Their goal is described as **'to change minds by influencing public policy and change lives through innovative practice and partnerships.'**

Their website sets out their 2016-2020 strategic plan; divided into three strategic objectives:

1. be a recognised leader in wellbeing and its links to public policy
2. be a champion for sharing learning between all jurisdictions of the UK and Ireland
3. make working across the public, private and voluntary sector more normal and valued.

Ms Davidson said this appointment is likely to involve contact/dealings with the Scottish Government. She informed the Committee that as an organisation seeking to influence public policy, Carnegie UK engages with the Scottish Government (and others in its jurisdiction) on matters of policy, such as the development and implementation of policies that affect the wellbeing of the population; and advocacy for an outcome-based approach to policy formulation. In light of the above Ms Davidson said this relationship is at times, one

which offers practical help and support to Government, and at times one which presses the case for new approaches.

Ms Davidson told the Committee she had no contractual dealings with her prospective employer within her last 2 years in service; nor was she responsible for those who had any contractual dealings with her prospective employer. (Her responsibilities as accounting officer are in different areas). In addition, she stated she has not been involved in the work or awarding of grants which have affected her prospective employer.

Ms Davidson informed the Committee she had no involvement in the development or administration of any departmental policy that could have affected her prospective employer. However, she advised that between 2014 and 2017 she took an interest in some of the independent policy research work undertaken by Carnegie UK, including research into the 'Enabling State' and 'Access to Credit'. She also met the Chair and Chief Executive on several occasions to discuss this work, which they hoped to bring to the attention of the Scottish Government in the hope of influencing the development of policy in this area.

This application was countersigned by Leslie Evans, Permanent Secretary of the Scottish Government.

The Scottish Government confirmed it has previously commissioned discrete pieces of work from the Carnegie UK. Examples include, collaborating with Oxfam on the public engagement activity to inform the New Performance Framework and it was previously part of a consortium funded by the Scottish Government (to develop an online platform for Understanding Scottish Places). Though, as noted in Carnegie UK's annual report (last published in December 2017) they received £99.5k of restricted grant funding from the Scottish Government and £18.9k in partnership funding for research work in relation to legal aid. However, the Scottish Government confirmed this was outside Ms Davidson's area of responsibility and she was not involved in these decisions.

The Scottish Government acknowledges Ms Davidson would have knowledge of Scottish Government policy in areas of interest to Carnegie UK, however it did not consider this would not be of commercial value or sensitivity. It further confirmed that there are '**no policy decisions foreseeable within the next period on which there is dialogue with the Trust**'; and that Ms Davidson has no 'privileged insights' related to Carnegie UK's current programme of work. As such, it told the Committee it does not foresee any situation where a competitor may raise an objection.

The Scottish Government told the Committee Carnegie UK works in partnership with other similar bodies in its public policy work and already has a number of long standing connections with the Scottish Government. Given the organisation is already well known, well respected and engages transparently across policy interests in the UK, Ireland and internationally (as one of many groups and organisations), the Scottish Government said it did not consider Ms Davison would offer any particular unfair advantage in taking up this role.

The Scottish Government were supportive of the appointment and noted the lobbying ban (that is applied in all cases under the Rules) should reflect that Ms Davidson's communications with the Scottish Government should be restricted to matters that are an integral part of the normal course of business for the organisation.

The Committee's consideration

The Committee¹ carefully considered the risks presented by this application given Ms Davidson is moving from a senior role in the Scottish Government, to work for a charity who seeks to engage with the Scottish Government on public policy matters.

Under the Government Business Appointment Rules, the Committee must consider if there might be cause for reasonable concern that **'...a civil servant might be influenced in carrying out his or her official duties by the hope or expectation of future employment with a particular firm or organisation, or in a specific sector...'** This role is not directly related to her current role in Government which sits within the scope of organisational and operations. Both Ms Davidson and her former department confirmed, while she had some contact with Carnegie UK, she had no contractual dealings with her prospective employer nor had oversight over anyone who did. While it is known that the Scottish Government has previously commissioned work to Carnegie UK; and Carnegie UK have received grant funding, the Scottish Government confirmed this was outside Ms Davidson's area of responsibility and she was not connected to decision making. Further, Ms Davidson secured this role through an open recruitment process. Therefore, the Committee considered the risk this role could be considered as a reward for actions Ms Davidson took in office to be low.

There is a potential risk Ms Davidson as Chief Executive of a charity that seeks to influence Government policy, could be seen to offer an unfair advantage. The Committee (in agreement with the Scottish Government) considered routine contact in this case not to be improper, given the work Carnegie UK undertakes. It was relevant to the Committee's consideration that Carnegie UK is already an established stakeholder in the relevant public policy area and with the Scottish Government, therefore reducing the risk Ms Davidson could be seen to offer an unfair advantage.

Ms Davidson seeks to work in an area that is not directly related to her current DG role and her prospective employer would no doubt benefit from her insight. However, the Scottish Government have confirmed she has no particular information it considers would offer any unfair insight.

As Ms Davidson's role as Chief Executive gives her overall responsibility for the running of Carnegie UK, the Committee wanted to bring her attention the conditions below which preclude her personal involvement in bids or contracts with the Scottish Government; and

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Terence Jagger; Dr Susan Liataud; Richard Thomas and John Wood. Baroness Helen Liddell recused herself from this application in line with ACOBA's published Code of Practice.

the use of her privileged access to lobby the Scottish Government on behalf of her new employer, to mitigate the remaining risks.

The First Minister of the Scottish Government has accepted the Committee's advice that this appointment be subject to the following

- that she should not draw on (disclose or use for the benefit of herself or the organisation to which this advice refers) any privileged information available to her from her time in Crown service;
- for two years from her last day in Crown service, she should not become personally involved in, or provide advice on, the terms or with regard to the subject matter of, a bid or a contract with or directly relating to the work of the Scottish Government; and
- for two years from her last day in service she should not make use, directly or indirectly, of privileged access derived from her role in Crown service to personally lobby the Scottish Government on behalf of Carnegie UK Trust.

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 ask that Ms Davidson informs us if she proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application.

I should also be grateful if you would ensure that we are informed as soon as Ms Davidson takes up this role, or if it is announced that she 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 that have not been taken up or announced. This could lead to a false assumption being made about whether Ms Davidson complied with the rules.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours sincerely

Tiffany Amusu
Committee Secretariat