



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: PAUL GRAY

The Committee has been asked to consider an application from Paul Gray, former Director General of Health and Social Care and Chief Executive of NHS Scotland on becoming a Visiting Professor at the University of Glasgow.

Mr Gray informed the Committee this is a part-time paid role involving 1-2 days of work per month. He is to be attached to either the School of Medicine or the School of Business and will operate in 3 areas:

- Teaching leadership to the undergraduate and postgraduate students
- Leadership development for the University; senior team, and partner organisations
- Covering and facilitating inter-University engagement and collaboration on matters of common interest

Mr Gray also informed the Committee that this appointment is likely to involve some contact with his former department. While he said contact with Ministers is highly unlikely, contact with officials is possible. He was clear with the Committee he would not seek to influence policy; rather, he would like to ensure he was abreast with the most recent developments.

Mr Gray informed the Committee he had some contact with the University of Glasgow, in keeping with his role in office; and that he had similar contact with other major Universities in Scotland (Edinburgh, Dundee, St Andrews and Aberdeen). Within the last 5 years he met the Regius Professor of Medicine, Dame Anna Dominczak, once or twice a year.

He said he was unaware of any specific contracts the Scottish Government held with the University of Glasgow; but noted the university receives government funding in common with

other universities and provides medical training. Mr Gray said he had no involvement with these allocations or in any other part of the decision-making process.

Mr Gray noted the CSO had funded the University of Glasgow for its work in Precision Medicine; the most recent award was £4m. He informed the Committee he had no involvement in CSO funding and it has its own governance process. (He explained the Chief Scientist's Office (CSO) is part of Health Directorates and report to the Chief Medical Officer for Scotland who in turn reports to him).

As part of the Scottish Government Health Directorates, CSO invests through NHS research Scotland in infrastructure to support research studies. The CSO operates within the wider landscape of UK health research funding and contributes to a National Institutes for Health Research (NIHR) total funding pool in excess of £100m annually. This allows researchers based in Scotland to apply for the majority of the research programmes administered by NIHR Evaluation, Trials and Studies Coordinating Centre.

The Scottish Government confirmed the University of Glasgow receives government funding in common with other universities. However, it confirmed Mr Gray had no direct involvement in policy or funding decisions affecting the University of Glasgow or any other university. They also confirm Mr Gray had no direct influence on decisions affecting the University of Glasgow and it does not see any possibility that the appointment could be perceived as a reward or that a conflict of interest might be perceived.

The department also confirmed that whilst Mr Gray was responsible for the governance, oversight and decision making relating to NHS workforce planning in Scotland (as Chair of the Health and Social Care Management Board); this would have affected all universities providing clinical education in Scotland, not specifically Glasgow.

The Scottish Government had no concerns about this proposed role; saw no risk of unfair advantage to Glasgow over other universities; and noted that whilst Mr Gray does not envisage becoming involved in lobbying government officials or Ministers, the lobbying ban should safeguard any risks around his contact with officials in this role.

The Committee's consideration

During his time in office, Mr Gray did meet with the University of Glasgow, namely through meeting Regius Professor of Medicine, Dame Anna Dominczak, usually once or twice a year. The Committee¹ noted this contact was in line with his role in office and he had similar contact with other major universities as listed above.

There is a funding relationship between NHS Scotland and the University of Glasgow; and the Committee noted Mr Gray held a senior position as DG of Health and Social Care in which he was responsible for governance, oversight and decision making for NHS Scotland.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Baroness Helen Liddell; Richard Thomas and John Wood. Dr Susan Liäutaud and Lord Michael German were unavailable.

However, the Committee took into consideration that Mr Gray had no direct involvement in funding allocations or in any other part of the decision-making process in relation to funding; as this was carried out by CSO as outlined mentioned above. The Scottish Government also confirmed he had no direct involvement in policy or funding decisions affecting the University of Glasgow or any other university directly. While the Committee accepts he was ultimately responsible as accounting officer; these decisions were not made by him personally; related to NHS Scotland as a whole; and not for the sole benefit of the University of Glasgow. As such, the Committee considers the risk this appointment could be seen as a reward for decisions or actions taken in office is low.

Given Mr Gray's seniority within the Scottish Government, it could be perceived there is a risk of unfair advantage in relation to contacts gained whilst in post. In particular, the Committee notes this role may involve limited contact with officials to ensure he is abreast with the most recent developments. The Scottish Government have no concerns with this contact. The lobbying ban imposed below makes it clear that any use of his contacts to the unfair advantage of his employer would be improper. Further the Committee has imposed a ban on advising on bids and contracts with the Scottish Government. Subject to these conditions, the Committee agrees that such contacts within the confined scope of his role would not be inappropriate.

The Committee's advice to the First Minister of the Scottish Government is that the appointment be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service he should not become personally involved in lobbying the Scottish Government on behalf of the University of Glasgow, its partners or subsidiaries, nor should he make use, directly or indirectly, of his contacts in Government and/or Crown service to influence decisions or policy on behalf of the University of Glasgow, its partners or subsidiaries. This would not preclude routine contact on matters relating to his duties as a Visiting Professor at the University of Glasgow, as described above;
- for two years from his last day in Crown service, he should not provide advice on the terms, or with regard to the subject matter of, a bid or contract relating directly to the work of the Scottish Government or funding provided by the UK Government.

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 ensure that we are informed as soon as Mr Gray takes up this position, or if it is announced that he 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 he had complied with the Rules.

I should also be grateful if you would ask that Mr Gray informs us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him 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 where appropriate, refer to it in the relevant annual report.

Yours sincerely

Tiffany Amusu
Committee Secretariat