



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

30 April 2019

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 establishing an independent consultancy and taking up two commissions.

Appointment details

Mr Gray has sought advice on establishing an independent consultancy, 'Newlands Murray' and accepting two commissions (Holyrood Events and Four Square) to be delivered under it. Mr Gray described the purpose of his independent consultancy as offering leadership, coaching and mediation at an executive level within the public and voluntary sectors.

Commission with Holyrood Events

According to their website, Holyrood Events help people share information and bring people together to exchange ideas and discuss how public services are delivered in Scotland. Their public policy led events include: workshops, roundtables, keynote presentations, mind mapping, Chatham House rules, citizen's theatre, panel debates and interviews with policy makers and opinion formers from Scotland and across the world.

Mr Gray said he would potentially take up work with them to chair and facilitate conferences. He said an event's organiser approached him regarding this role. He also stated he wished to chair or facilitate conferences designed for the public or voluntary sector.

Mr Gray has informed the Committee that he did not let contracts to Holyrood Events, nor did others in his directorates. He also informed the Committee that health directorates had its own communication and events team.

Mr Gray stated that whilst in office, he was asked by Holyrood Events to speak at conferences organised by them and has met the CEO of Holyrood Events, Mandy Rhodes in her role as a journalist in the course of normal business.

Four Square

Four Square is a homeless charity that says it has helped thousands of homeless and other vulnerable people for more than 40 years. Their mission is to provide support services and enterprise activities which create opportunities for stable lives and social and economic inclusion.

Mr Gray proposes to take up work with Four Square to assist with senior team development. He informed the Committee he had no personal contact with Four Square, however he did meet its CEO, Jane Devine, in a business context when she was CEO of Social Work Scotland (which is the professional leadership body for the social work and social care professions). He also made the Committee aware he was not involved in any contractual discussions with Social Work Scotland.

The Scottish Government told the Committee it is content that it would not be a conflict for Mr Gray to set himself up as a self-employed consultant; and does not consider Mr Gray to have had access to policy or other departmental information, knowledge of which could give him, or these potential employers, any particular unfair advantage.

Specifically, in relation to Four Square, the Department confirmed Four Square are a homeless charity who received just under £30k funding over the past 2 years from the Scottish Government Homelessness Team. It advised the Committee this funding was via a third-party organisation 'Housing Options East Hub' which is led and governed by local authorities; and noted the Homelessness Team sits outside Mr Gray's control as Chief Executive of NHS Scotland while he was in office.

Committee's consideration

When considering Mr Gray's application to establish his own consultancy, the Committee¹ took into account the consultancy is in a broadly defined area which it does not consider would be improper or present any particular risk of impropriety in itself. Mr Gray says he will take on commissions which draw on his leadership knowledge and expertise.

The conditions below apply to his consultancy generally to mitigate inherent risk in the broad area of consultancy work. The conditions, prevent: lobbying of the Scottish Government; the

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

use of privileged information; advising on the terms of bids or contracts relating directly to the Scottish Government.

Future commissions

The Committee also notes whether the conditions set out below can sufficiently mitigate the risks presented by any future commission Mr Gray proposes to take up will depend on the specific details of each piece of work. Further conditions may be appropriate. Mr Gray will need to revert to the Committee to seek advice on each commission. For example, should Mr Gray seek to work on matters he had direct responsibility for in office, the Committee would consider whether a waiting period may be required. In such cases the Committee must consider the risk that a former Crown servant might offer an unfair advantage to a company by virtue of information or contacts originating from their time in Government. The Committee will consider such risks on a case by case basis.

Holyrood Events

The Committee has taken into consideration neither Mr Gray, nor others in his department let out contracts to Holyrood events as the Health directorates have their own communication and events team. Whilst he had some contact with Holyrood, there is no reason to consider Mr Gray made any decisions or took any action in expectation of this role. As such the risk of reward is low.

The Scottish Government has no concerns about Mr Gray taking up this work and confirmed he does not have access to information that would benefit the organisation. Any inherent risk he could be seen to offer an unfair advantage is mitigated by the conditions applied to his consultancy below (which prevent the use of privileged information; and his contacts to the unfair advantage of his clients).

Four Square

Mr Gray and the Scottish Government confirmed he had no business or contractual relationship with Four Square. Whilst Four Square received funding from the Scottish Government, this was awarded outside of Mr Gray's department and therefore outside of his area of responsibility. The Committee considered the risk of this appointment being perceived as a reward for decisions made in office is low.

The Scottish Government have confirmed Mr Gray did not have access to policy or other departmental information that would benefit the organisation. As such the Committee considers the risk of Four Square gaining an unfair advantage is low, given the conditions on this consultancy will prevent him from working on any bids Four Square might make for more funding; and prevent the use of his contacts to the unfair benefit of Four Square.

The First Minister of the Scottish Government has accepted the Committee's advice that this independent consultancy and the commissions with Holyrood and Four Square be subject to the following

- 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 those he advises under his independent consultancy or their subsidiaries, partners or clients, nor should he make use, directly or indirectly, of his contacts in Government and/or Crown service to influence policy or secure business of funding on their behalf.
- 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.
- for two years from his last day in Crown service, before accepting any commissions and or/before extending or otherwise changing the nature of any commission, he should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of his consultancy and consider any relevant factors under the Business Appointment Rules.

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

