



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Dear Mr Gray;

You sought the Committee's advice on taking up a commission under your independent consultancy.

Commission details

You seek to take up a commission with the Royal College of Physicians Edinburgh (RCPE). You describe your role as developing coursework and to teach college fellows about governance and leadership through lecture and round table discussions. You informed the Committee that initially, this will be in Edinburgh (and possibly Manchester). There is also a possibility the College will be asked to deliver a similar course to the Lithuanian Health Service via the World Health Organisation (WHO).

You informed the Committee you were approached by RCPE about this work, after leaving the Scottish Government.

You informed the Committee the duration of the work is not yet clear, and while you have not contributed yet, you have been asked in the first instance to deliver one (paid) session and to speak at a conference (unpaid). Then it is likely you will be asked to do further work. You also made the Committee aware representatives of the Lithuanian Health Service and WHO will attend both days. You note, if the course is successful, it would likely involve about a day's work a month, and if it is taken on by the Lithuanian Health Service that would be further work, probably in sessions lasting a few days at a time rather than monthly lectures.

You advised the Committee that while in post at the Scottish Government;

- you had dealings with all of the Royal Colleges including RCPE through the Academy of Medical Royal Colleges, including co-chairing the Government's meetings with the Academy along with the President of the Academy
- the Academy of Royal Medical Colleges was consulted on policy developments affecting medicine, medical workforce and the delivery of healthcare, as were a number of other key stakeholders
- your former department did not have a contractual relationship with any of the Royal Colleges, although from time to time Ministers would ask a specific College to look into and report on issues relevant to that College's expertise; and
- you have had no official dealings with the Lithuanian Health Service or WHO

The Scottish Government identified no conflict with this role and raised no concerns with you taking up this work.

The Committee's consideration

The Committee¹ noted any contact you had with RCPE was through the Academy of Medical Colleges and this contact was not solely limited to RCPE, rather all Royal Colleges and was in keeping with your role. In addition, you confirmed there is no contractual relationship with RCPE and the Scottish Government identified no conflict the Committee should be aware of. As such the risk of your appointment as a reward for decisions made in service is low.

The Committee assessed any risk of RCPE, WHO or the Lithuanian Health Service gaining an unfair advantage as a result of any information you are privy to as low. The Scottish Government have no concerns; and the nature of this role is to provide teaching in an academic setting.

The Committee is satisfied that the role is consistent with the terms of your consultancy which you describe as offering leadership, coaching and mediation at an executive level within the public and voluntary sectors. In the circumstances, the Committee considered the conditions attached to your consultancy appropriately mitigate the inherent risks in this case and would bring to your attention the ban on using your contacts in Government to the unfair advantage of RCPE or those it works with.

Under the Government's Business Appointment Rules, the Committee's advice is that this commission with the Royal College of Physicians Edinburgh should be subject to the conditions attached to your independent consultancy, as below:

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

- 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 Crown service;
- for two years from your last day in Crown service you should not become personally involved in lobbying the Scottish Government on behalf of those you advise under your independent consultancy or their subsidiaries, partners or clients, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business of funding on their behalf.
- for two years from your last day in Crown service, you 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 your last day in Crown service, before accepting any commissions and or/before extending or otherwise changing the nature of any commission, you 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, 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 could let me know when you take up this commission, or if it is announced that you are to do so. This will enable the Committee to 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

