



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 taking up a role as a Consulting Partner at Charlotte Street Partners (CSP).

Appointment details

Mr Gray informed the Committee this is a paid appointment of which he is expected to contribute in the areas of:

- corporate communications strategies;
- crisis communications and response
- political and regulatory affairs
- CSR and community engagement; and
- employee relations.

Mr Gray also informed the Committee that he made it clear to CSP that he would expect the restrictions which apply to his consultancy to apply to any engagement/work he does with them.

The Committee understands Charlotte Street Partners is a strategic communications consultancy based in Edinburgh and London who provide advice to businesses, organisations and individuals. According to their website, they help businesses, organisations and individuals create and deliver strategies for communicating with their customers, staff, media, investors and financial markets, employees, politicians and regulators.

Mr Gray informed the Committee he had no contact with Charlotte Street Partners during his time with Health Directorates in the Scottish Government, and as far as he is aware the

Scottish Government did not have any contractual relationship with CSP. He further informed the Committee he worked with one of their partners, Kevin Pringle, when he was a Government Special Advisor some years ago but has not been in touch with Mr Pringle since. In addition, he worked with their chair, Sir Angus Grossart, when he was Chair of the National Museums of Scotland - this was some years ago, and he has not worked with Sir Angus since.

The Scottish Government was consulted about this application and have raised no issue with the information provided. It considered there was no conflict noting the conditions which applied to his previous applications.

The Committee's consideration

The Committee has taken into consideration that this appointment is unrelated to Mr Gray's specific role in office; and that he had no official dealings with Charlotte Street Partners while in office. In addition, there is no known relationship between Charlotte Street Partners and the Scottish Government, which has no concerns with this appointment. It is noted that Mr Gray met with individuals involved in Charlotte Street Partners some time ago: one of their partners, Kevin Pringle, when he was a Government Special Advisor and its Chair Sir Angus Grossart, when he was Chair of the National Museums of Scotland. However, he has not had any dealings with either party aside from the aforementioned contact. 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 former role as Chief Executive of NHS Scotland, it could be perceived that he could offer Charlotte Street Partners an unfair advantage as a result of contacts he will have gained while in office. Therefore, the Committee would like to draw his attention to the extended lobbying ban which makes clear that the use of his contacts to the unfair advantage of Charlotte Street Partners would be inappropriate.

The Committee¹ considers there may be potential risks associated with the unknown clients of Charlotte Street Partners. Specifically, should they work within areas for which he had responsibility in office.

The Committee recognised the risk of conflict in relation to him advising on broad matters unrelated to his time at the Scottish Government, which may at some point be the subject matter of a bid or contact, is low. The Committee considered any potential risks can be mitigated by imposing a condition that prevents him from working with clients of Charlotte Street Partners that could be seen to have a conflict relating to his time in office, alongside a ban on the use of privileged information gained in office.

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

However, given his seniority he could also be perceived to offer an unfair advantage should he advise Charlotte Street Partners or its clients on the terms of any bids and contracts with the Scottish Government and the conditions below prevents him from doing so.

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 or NHS Scotland on behalf of Charlotte Street Partners or its clients, nor should he make use, directly or indirectly, of his contacts in Government and/or Crown service to influence policy or secure business on their behalf;
- for two years from his last day in Crown service, he should not provide advice to CSP or its clients on the terms of: bid or contract with, or relating directly to the work of, the Scottish Government. Nor should he advise on the subject matter of: a bid or contract with, or relating directly to the work of, the Scottish Government where it relates to the Scottish Government's Health Directorates, NHS Scotland and its commissioning bodies; and
- for two years from his last day in office, he should not advise CSP or its clients on work with regard to any policy, regulation or other measure in the field of health or social care which was considered, formulated or introduced during his time in office; or advise clients who had a commercial relationship with the Scottish Government during his time in office.

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 have enclosed 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