



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>

April 2021

1. You approached the Committee about taking up an appointment as the CEO of Scottish Women's Football (SWF).

The Committee's role and remit

2. It is the Committee's role to advise on any conditions that should apply to appointments or employment under the government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.
3. The Rules seek to counter suspicion that:
 - a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
 - b) an employer could make improper use of official information to which a former Minister has had access; or
 - c) there may be cause for concern about the appointment in some other particular respect.
4. When the Committee considers applications it must have in mind that government has judged that it is in the public interest that former Ministers with experience in government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.
5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment Details

6. You wish to take up a paid, full-time role with SWF, as CEO. You state SWF is responsible for the management of the women's club game in Scotland. Its website states it

owns and manages 66 competitions across Scotland including, Scottish Women's Premier League, SWF Championship and the Scottish Women's Football League amongst others.

7. As CEO you said your role will involve:

- Grow and develop the organisation in line with budget and member requirements
- Manage day to day operations and decisions ensuring smooth functioning, efficient organisation
- Line manage and develop SWF staff (current team of 5) with a focus on performance improvement through ongoing monitoring and evaluation
- Create a work environment that recruits, retains, and supports quality staff
- Work closely with the Board to drive forward SWF's strategy, and identify short and long-term goals
- Maximise commercial revenue from assets owned by SWF
- Attract and develop relationships with sponsors and partners
- Act as media spokesperson for SWF
- Raise the profile of the women's and girls' game with key stakeholder groups
- Provide general oversight and keep the Board fully informed on company condition and on all important factors influencing it
- Work closely with the Board to contribute to overall delivery of relevant SWF projects
- Inform the Board of trends, issues, problems, and activities to help facilitate policy making
- Manage and develop relationships with the Scottish FA (SFA) senior managers and development staff

8. You also stated you expect your role to involve contact with the Scottish government. You state this contact will be with Sportscotland – a non-departmental public body that is the national agency for sport - and that you would anticipate some form of partnership working in future is a possibility. You stated that it would be necessary to have some capacity to communicate with Sportscotland as and when required and where it is keeping with ACOBA guidance.

9. You stated you had some contact with the SFA whilst in office to listen to a presentation about their work where they demonstrated social returns on investment and the impacts of their outreach work in communities across Scotland. You consulted Scottish government who stated that *"there is no obvious conflict of interest between your current portfolio responsibilities and this organisation. Also, the objectives of SWF are consistent with the SG's wider policy objectives"*. You stated you did not make any policy or commercial decisions that specifically affected SWF in office and did not have access to privileged information that might give advantage to the organisation.

10. Scottish government raised no concerns about your proposed contact with the government as described above and has no concerns regarding this appointment. It noted you made a funding decision in 2019-20 to award Sportscotland £50,000 to provide small grants to grassroots organisations via Scottish Governing Bodies. The SFA subsequently received £12,000 of this fund and worked alongside several organisations including SWF to deliver free products to girls' and women's football teams across Scotland. It stated you did not make any decisions however beyond the initial £50,000 funding.

The Committee's consideration

11. When considering your application, the Committee noted you did meet with SFA while in office, this was on one occasion and the purpose of this meeting was to demonstrate social returns on investment and the impacts of their outreach work in communities across Scotland. The only relevant decision from your time in office was some involvement in awarding funding to the sector in which SWF operates, and you did not play any role in the disbursement of funds to SWF from the SFA or in decisions affecting this. As such, the Committee did not consider it could reasonably be perceived you were offered this role as a reward for decisions made or actions taken in office.

12. The Committee noted as with any ministerial appointment, there could be a perceived risk you had access to information that is relevant to the sports sector. The Scottish government confirmed that it did not have any concerns about your access to information however. The Committee would draw your attention to the privileged information ban below which prevents you from drawing on sensitive information in this role and notes that as a Cabinet minister you are subject to a 3 month waiting period after you leave office before taking up any roles.

13. The Committee also agreed with the Scottish government's view that you would offer an unfair advantage to SWF if you were to be involved in any future bid for funding or contracts from the Scottish government. Therefore, it would also like to draw your attention to the ban on providing advice on a bid or contract relating directly to the work of the government, including with regard to funding, to mitigate the risk you may offer an unfair influence in the government's funding decisions in the future.

14. The Committee noted that given the contacts you will have gained from your time in office, there is a risk this could be seen to unfairly advantage SWF. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across government to the unfair advantage of SWF. However, the Committee considered whether the proposed contact with the government to assist Sportscotland in its delivery of government priorities would be proper. The Committee noted the nature of SWF's work and Scottish government's comments about the organisation objectives being consistent with government policy. The Committee considered where these discussions align with government policy, it would not be improper for you to have contact with the government in the way you describe. Given the restrictions below, including the contracts and bids ban, such contact within the confined scope of your role would not be inappropriate.

15. Although this application has been made before you have left office the Committee is prepared to provide advice now. However, the Committee wishes to make clear its recommendation is made on the basis of the information provided. If you should become aware of any circumstances that would be relevant to your application and this advice, in the gap between receiving this advice and taking up this role, you should revert to the Committee for further advice. You should also recuse yourself from any further discussions in your current ministerial role on SWF.

16. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Scottish Women's Football** be subject to the following conditions:

- a waiting period of three months from your last day in ministerial office;
- that 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 ministerial office;

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the Scottish government or its Arms Length Bodies on behalf of Scottish Women's Football (including parent companies, subsidiaries and partners). This would not prevent you from having contact with the Scottish government to discuss the work of Scottish Women's Football on matters aligned with government policy. However, it would prevent you on making use, directly or indirectly, of your government and/or ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit of Scottish Women's Football (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise Scottish Women's Football or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the Scottish government or its Arms Length Bodies.

17. 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.

18. 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.*"

19. I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you will do so. 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 you had complied with the Rules and the Ministerial Code.

20. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

21. 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.

The Rt Hon Lord Pickles

Aileen Campbell MSP