



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a role as Ambassador for Community Engagement, Public Health and Innovation for the University of Glasgow (U of G). The material information taken into consideration by the Committee is set out in the below annex.

2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during time in office, alongside the information and influence a former minister may offer U of G.

3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's Consideration

4. The Committee¹ took into consideration that while you meet with U of G in office however, this was to discuss specifically Covid-19 testing of students in your role as Cabinet Secretary for Health. Further, you did not make any decisions that specifically affected the U of G. Therefore, there is no evidence this role was offered as a reward for decisions made in office.

5. The Committee noted, there are inherent risks that you will undoubtedly have general access to policy and information that could be perceived to benefit U of G

¹ This application for advice was considered by; Sarah de Gay; Isabel Doverty; The Rt Hon Lord Pickles; Dr Susan Liataud; Lord Larry Whitty; Richard Thomas and Mike Weir. Andrew Cumptsy and Jonathan Baume were unavailable.

especially as your role will involve public health. However, the Committee noted your former department had no concerns and over four months have passed since you were in office. Nevertheless, the Committee would draw your attention to the restriction on using privileged information, subject to all former ministers on leaving government.

6. Additionally, while you do not expect this role to include contact with the Scottish government, the Committee noted that you would have gained contacts within the Scottish Government that could benefit U of G. This is especially relevant as there is a relationship between the U of G and the Scottish Government. However, you are prevented from lobbying the Scottish Government and providing advice on bids and contracts with the government, mitigating the risk of impropriety in relation to any future funding from the Scottish Government and its Arms' Length Bodies.

The Committee's advice

7. In accordance with the government's Business Appointment Rules, the Committee advises this role with **the University of Glasgow** be subject to the below conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office or in any capacity in which you continue to work with the Scottish Government;
- 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 the University of Glasgow and all its constituent parts (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage of the University of Glasgow and all its constituent parts (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in Crown service you should not undertake any work with the University of Glasgow and all its constituent parts (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the Scottish Government or its Arms' Length Bodies.

8. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role as a member of the House of Commons.

9. 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 Ministerial Code/Civil Service Code or otherwise.

10. 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.”*

11. I should be grateful if you would inform us as soon as you take up this work 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 Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

12. 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.

The Rt Hon. Lord Pickles

Jeane Tennent Freeman OBE

Committee Secretariat Annex - Material information

The role

1. You said the UofG is a Russell Group University.
2. You said as an Ambassador for Community Engagement, Public Health and Innovation your role will involve:
 - Championing the interface between U of G and local community initially in the Govan area of Glasgow, including the flagship living laboratory and links with Clyde Mission and the Riverside Innovation District and engaging with wide range of industrial, economic development and business organisations.
 - Support as a 'critical friend' to the University's strategic planning and ambition with particular reference to alignment with local communities
 - Supporting work of the University in its role with Glasgow Centre for Population Health with particular focus on engaging with local communities, community champions and groups to embed understanding of factors leading to health inequalities
 - Exemplary teaching – a limited number of leadership focussed plenary lectures across a range of disciplines and including the new Masters courses combined with business skills.
3. You do not expect the role to include contact with the UK government.

Dealings in office

4. You stated you dealt with Universities Scotland specifically on COVID-19 matters during the past 2 years.
5. You informed the Committee that you were involved in discussion on the Lighthouse Lab network² and indirectly as part of discussion with all Scotland university bodies, Universities Scotland (Universities Scotland is the representative body of Scotland's 19 higher education institutions), on COVID-19 testing arrangements for students.
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7. You also said you were the lead minister for the legislation which was agreed by the Scottish Parliament in the last session to remove the historic prohibition on St Andrew's University to award the full medical degree³. You confirmed there was no opposition to this from other medical schools in Scotland and the legislation was passed unanimously.

² During the pandemic the government set up a network of Lighthouse laboratories, partner laboratories and testing sites in partnership with a variety of public and private suppliers, including NHS trusts, commercial suppliers, academia and not-for-profit organisations. A Lighthouse laboratory is a high throughput facility that is dedicated to COVID-19 testing for NHS Test and Trace.

³<https://www.gov.scot/publications/consultation-primary-legislation-proposal-remove-legislative-restriction-university-st-andrews-award-degrees-licenses-medicine-dentistry-analysis-consultation-responses/pages/6/>

8. You said the Health Directorate of the Scottish Government has a relationship with all University medical and veterinary schools in Scotland of which the U of G is one. In addition, academic members of the University, together with others, are members of the Advisory Group to the First Minister of Scotland on COVID-19 related matters.

9. You confirmed you had no involvement in regulatory work with the sector or in respect to overall funding arrangements.

Department Assessment

10. The Scottish government was consulted on this appointment and it confirmed the details you provided. It confirmed recent exchanges with the UofG show that they continue to see a link between the legacy of the Lighthouse Lab work and the new Living Laboratory programme. There are large parts of the Living Laboratory programme that involve the Scottish Government. The Scottish Government said you were not involved in any decision making element of this.

11. The Scottish government also noted that you refer to supporting the work of the University in its role with Glasgow Centre for Population Health. It said the Scottish Government is currently the sole funder however the funding agreement pre-dates your tenure as Cabinet Secretary and you did not have any direct involvement in these funding decisions.

12. The Scottish government said any privileged information that you had access to as a Cabinet Secretary would be subject to strict obligations of confidentiality.

13. The department confirmed it had no concerns and said your knowledge of the Scottish health sector and your Scottish Government experience make you very well suited to this ambassadorial role.