



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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### **BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Leslie Evans, former Permanent Secretary to the Scottish Government, appointment with Action for Children**

1. Ms Evans sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on taking up a role with Action for Children. 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 Ms Evans' time in office, alongside the information and influence a former Crown servant may offer Action for Children.
3. The Rules<sup>1</sup> set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

#### The Committee's consideration of the risk presented

4. When considering this application, the Committee<sup>2</sup> took into account this role as Chair of the National Advisory Committee for Scotland and Trustee on the

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<sup>1</sup> Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code.

<sup>2</sup> This application for advice was considered by; Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas and Mike Weir. Lord Larry Whitty was unavailable.

UK Board is unpaid. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of the government by considering the real and perceived risks associated with former Crown servants joining outside organisations. Those risks include using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.

5. The risk of reward here is low. Though the Scottish Government has a funding relationship with Action for Children, the department confirmed Ms Evans had no involvement in the relationship between it and the charity. As above, the risks are significantly limited as this is an unpaid role.
6. As the former Permanent Secretary to the Scottish Government, there is an inherent risk Ms Evans could be perceived to have access to relevant privileged information and knowledge which could unfairly benefit Action for Children. The Committee considered there is limited scope for unfair advantage given the unpaid nature of this appointment and the non-commercial nature of the charity. Ms Evans' ongoing duty of confidentiality also limits the real and perceived risk of her making improper use of information she had access to while in office.

#### The Committee's advice

7. The government's Business Appointment Rules for former Crown servants state that a waiting period of three months will be expected when the former Crown servant was a Permanent Secretary. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing Ms Evans from drawing on her privileged information and using her contacts to the unfair advantage of her new employer, as well as the three month waiting period, will sufficiently mitigate the risks in this case.
8. The Committee advises, under the government's Business Appointment Rules, that Ms Evans' appointment with **Action for Children** be subject to the following conditions:
  - she should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service;

- for two years from her last day in Crown service, she should not become personally involved in lobbying the Scottish Government on behalf of Action for Children (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Action for Children (including parent companies, subsidiaries, partners and clients);
  - for two years from her last day in Crown service, she should not provide advice to Action for Children (including parent companies, subsidiaries, partners and clients) 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; and
  - a waiting period of three months from her last day in Crown service;
9. The advice and the conditions under the government's Business Appointment Rules relate to Ms Evans' previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
10. 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.
11. 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*'.
12. I should be grateful if you would inform us as soon as Ms Evans takes up employment with this organisation, or if it is announced that she will do so by emailing the office at the above address. 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 Ms Evans has complied with the Rules.

13. Please also inform us if Ms Evans proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application. 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.

Yours Sincerely,

William Young  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. Ms Evans seeks to join Action for Children in an unpaid, part-time role as Chair of the National Advisory Committee for Scotland and Trustee on the UK Board. This is a speculative application.
2. Ms Evans described Action for Children as a UK charity. The charity's website says it '*...protects and supports children and young people, providing practical and emotional care and support, ensuring their voices are heard, and campaigning to bring lasting improvements to their lives*'. The website says Action for Children works with '*...decision-makers to make sure government policies protect children*'.
3. Ms Evans said her duties would include the following:
  - Chair the National Advisory Committee
  - Provide strategic advice to ensure the needs of children and young people in Scotland are met
  - Ambassador for the charity, promoting its interests
  - Cultivate links to Scottish stakeholders who can help A4C deliver its mission
4. Ms Evans said she will not lobby in this role, and that any contact the charity has with government falls to executives.

### Dealings in office

5. Ms Evans advised the Committee she did not meet with Action for Children whilst in office. She said he did not have any involvement in any policy development or decisions that would have been specific to Action for Children, and held no commercial or contractual responsibilities relating to the charity.

### Department Assessment

6. The Scottish Government confirmed the details Ms Evans provided.
7. The Scottish Government confirmed it has a contractual relationship with Action for Children. In 2021-22 it provided the charity £1.5m in funding. The Scottish Government confirmed Ms Evans had no direct involvement in these funding decisions.
8. The Scottish Government said Ms Evans may have access to relevant information regarding the sector in which Action for Children operates, but this is unlikely to be of direct benefit to the charity. The department said this is because Action for Children is a charity, not a commercial organisation with competitors.
9. The Scottish Government also said it published its [Tackling Child Poverty Delivery Plan 2022-26](#) on 24 March 2022. The department said this reduces the risk of Ms Evans having access to information about future policy directions or funding possibilities that is not yet in the public domain, that could unfairly benefit Action for Children.
10. The Scottish Government said it has no concerns about this appointment and recommended the standard conditions, as well as the standard three month waiting period for Permanent Secretaries.