



## **OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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### **BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: John Swinney MSP, former Deputy First Minister of Scotland, Cabinet Secretary for Covid Recovery and Deputy First Minister of Scotland, Cabinet Secretary for Education and Skills. Unpaid appointment with The University of Glasgow**

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointments Rules for Former Ministers (the Rules) on an unpaid role you want to take up with The University of Glasgow.
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 your time in office, alongside the information and influence a former minister may offer The University of Glasgow. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. 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 of the risks presented

5. When considering this application, the Committee<sup>1</sup> took into account this role is unpaid<sup>2</sup>. 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 ministers 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 to 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.
6. There is some overlap with your time in office. You made no decisions specific to The University of Glasgow - though in previous roles over two years ago you did oversee funding, policy and regulation for higher education institutions. There is no suggestion you have access to information that would unfairly benefit the organisation and the unpaid nature of this appointment limits the real and perceived risk of you making improper use of information you had access to while in office for your personal benefit.
7. The Committee considered whether your proposed contact with the government in your proposed role would be proper given the lobbying ban that applies to all former ministers for two years on leaving office. . You said it was likely you will engage with the Scottish Government in relation to research and education matters relating to policy formation. Such contact would not be deemed improper as long as it is consistent with the conditions below.

## The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. Whilst there are inherent risks associated with your access to sensitive information and contacts, the standard conditions below, preventing you from drawing on your privileged information and using your contacts to the unfair advantage of your new employer, will sufficiently mitigate in this case.
9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **The University of Glasgow** be subject to the following conditions:

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<sup>1</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; The Rt Hon Lord Eric Pickles; and Mike Weir.

<sup>2</sup>By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

- 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;
  - for two years from your last day in ministerial office, you should not become personally involved in lobbying Scottish Government or its arm's length bodies on behalf of the University of Glasgow (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 (including parent companies, subsidiaries, partners and clients); and
  - for two years from your last day in ministerial office you should not undertake any work with the University of Glasgow (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, Scottish Government or its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate rules administered by other bodies, such as the lobbying register in Scotland. You are reminded that as a Member of the Scottish Parliament you have a separate ban on paid lobbying under the Code of Conduct for MSPs. 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.
11. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
12. You must 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.
13. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website

The Rt Hon Lord Pickles

## **Annex - Material information**

### The role

1. The University of Glasgow is an educational and research institution.
2. You were approached about the possibility of becoming involved with the new Centre for Public Policy and a formal invitation to participate was made to you by the University Court in October 2023. The role of Honorary Professor for the Centre for Public Policy is unpaid and part time (1 day per month).
3. You noted your role will involve supporting the development and activities of the newly established Centre for Public Policy, participating in the Centre's events and digital outputs and supporting staff and students in engaging with the policy community. This will not be a lobbying role. It will however involve engagement with the Scottish Government, its ministers and civil servants, in considering public policy.

### Dealings in office

4. You said that in your role as Deputy First Minister, you had engagements with universities including The University of Glasgow on a range of policy issues including skills, economic policy, advanced research and life sciences.
5. You said that whilst you were Cabinet Secretary for Education and Skills you would have made policy decisions relating to higher education establishments, including The University of Glasgow.
6. You did not undertake any funding decisions that would have directly impacted The University of Glasgow, but allocated funds to the Scottish Funding Council.

### Department Assessment

7. The Scottish Government confirmed that you would have made financial, policy and regulatory decisions that would have affected the University of Glasgow because you oversaw higher education. This was not specific to The University of Glasgow. Funding arrangements would have been passed to the Scottish Funding Council and student funding received through the Student Awards agency.
8. The Scottish Government confirmed that you would have engaged with the University of Glasgow as part of your role as Deputy First Minister. These meetings would have been supported by relevant party officials. You would have also met with other educational establishments and universities.
9. The Scottish Government recommended standard conditions.