



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

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September 2022

### **BUSINESS APPOINTMENT APPLICATION: Leslie Evans, former Permanent Secretary at the Scottish Government. Unpaid appointment with Smart Works Edinburgh.**

1. Ms Evans approached the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointments Rules for former Crown servants (the Rules) seeking advice on taking up an appointment as a coaching volunteer for Smart Works Edinburgh. The material information taken into consideration by the Committee is set out in the annex below.
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 Crown servants may offer Smart Works Edinburgh.
3. The Rules 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

4. When considering this application, the Committee took into account that this role as a coaching volunteer 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 ministers using privileged access to contacts and information to the benefit of themselves or those they represent; and 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.

5. The Committee took into account that Ms Evans did meet with Smart Works Edinburgh while in service but this was to understand the charity's work and she did not make any funding or policy decisions directly affecting the Smart Works Edinburgh. Therefore, the Committee considered the risk that she could be seen to have been offered this role as a reward for decisions made, or actions taken in office, was low.
6. The Committee noted that as the former Permanent Secretary at the Scottish Government there is an inherent risk Ms Evans could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit the Smart Works Edinburgh. However, the unpaid nature of this appointment limits the real and perceived risk of her making improper use of information she had access to while in office for her personal benefit and she has an ongoing duty of confidentiality.

#### The Committee's advice

7. 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 Ms Evans' access to sensitive information and contacts, the standard conditions below, preventing her from drawing on her privileged information and using her contacts to the unfair advantage of her new employer, will sufficiently mitigate in this case.
8. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Smart Works Edinburgh** 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 or its arms' length bodies on behalf of Smart Works Edinburgh (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of your contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage of Smart Works Edinburgh (including parent companies, subsidiaries, partners and clients); and
  - for two years from her last day in Crown service she should not undertake any work with Smart Works Edinburgh (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.

9. The advice and the conditions under the government's Business Appointment Rules relate to her previous role in government only; they are separate to rules administered by other bodies such as the Lobbying Register or the Standards, Procedures and Public Appointments Committee. It is her personal responsibility to understand any other rules and regulations she 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.*' This Rule is separate and not a replacement for the Rules in the House.
12. Ms Evans must inform us as soon as she takes 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 she has complied with the Rules and the Ministerial Code.
13. Ms Evans must also inform us if she 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.
14. 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

## **Annex - Material information**

### The role

1. Ms Evans seeks to join Smart Work Edinburgh in an unpaid, part-time role as a coaching volunteer.

2. She said Smart Work Edinburgh is a charity supporting women back into the workplace. It is a registered charity. The website states it opened in 2014 to help '*...as many women as possible with the tools they need for their job search*'.
3. Her role will be '*career coaching and assisting women back into the workplace as part of one to one training for interview and support in the early months after she has secured a job. The women already have an interview lined up and have been referred by another agency (this could be a Job Centre, Skills Development Scotland, Women's Aid, the Scottish Prison Service, their Church or GP*'.
4. Ms Evans said her role will not involve any contact with government.

#### Dealings in office

5. Ms Evans said in 2016 she visited the premises for 30 minutes to find out more about how they were supporting employment.
6. Ms Evans confirmed she had no involvement in any policy, regulatory, funding or contractual decisions specifically affecting Smart Work Edinburgh. She also said she did not meet with competitors of Smart Work Edinburgh and did not have access to any commercially sensitive information.

#### Department Assessment

7. The Scottish Government confirmed the details Ms Evans provided and confirmed it had no direct relationship with the charity.
8. The department stated The body is a UK charity with branches in Scotland. Funding is received from a number of UK corporate and banking partners.
9. The department confirmed it had no concerns and recommended the standard conditions.