



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS
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January 2024

**BUSINESS APPOINTMENT APPLICATION: Ken Thomson, former Director
General Strategy and External Affairs. Paid appointment with the the Scottish
International Education Trust**

1. Mr Thomson 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 an appointment he wishes to take up with the Scottish International Education Trust (SIET) as Director.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions he made during his time in office, alongside the information and influence he may offer the SIET. 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 Rules¹ 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 risks presented

5. The Scottish Government confirmed that Mr Thomson did not make any decisions in office that were specific to SIET, nor did he make any policy,

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

regulatory or commercial decisions that would have directly affected SIET or the sector it operates in. Mr Thomson did not meet with SIET as part of his role as Director General Strategy and External Affairs and the Scottish Government has no known relationship with SIET. Therefore, the Committee² considered that the risk this appointment can be perceived as a reward for actions or decisions taken in office is low.

6. Mr Thomson will have had general access to sensitive information across the Scottish Government. However, this risk is limited given the Scottish Government raised no specific concerns regarding his access to information and given the limited scope of Mr Thomson's role with SIET, essentially providing governance and administration advice (making recommendations and implementing the Trustees' decisions). As such there is a limited risk of him drawing on privileged information. .
7. There is a risk that Mr Thomson's network and influence might assist the Trust unfairly in regard to providing access to government. Mr Thomson confirmed his role will not involve contact with government, which is expected under the government's Business Appointment Rules.

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 Mr Thomson's access to sensitive information and contacts, the standard conditions below, preventing him from drawing on his privileged information and using his contacts to the unfair advantage of SIET, will sufficiently mitigate in this case.
9. The Committee advises, under the government's Business Appointment Rules, that his role with the **Scottish International Education Trust** should be subject to the following conditions:
 - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the Scottish Government or its arm's length bodies on behalf of the Scottish International Education Trust (including

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the Scottish Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage the Scottish International Education Trust (including parent companies, subsidiaries, partners and clients); and

- for two years from his last day in Crown service, he should not provide advice to the Scottish International Education Trust (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.
10. The advice and the conditions under the government's Business Appointment Rules relate to Mr Thomson's previous role in government only; they are separate from rules administered by other bodies such as the Standards Commission for Scotland³ and the lobbying register in Scotland. 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. 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.
 12. 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.
 13. He must inform us as soon as he takes up this role, or if it is announced that he will do so. He must also inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him 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

³ All Members of Scottish Parliament are prevented from paid lobbying under the Code of Conduct for MSPs.

relevant annual report.

Yours sincerely

Jess Barrow
Committee Secretariat

Annex - Material Information

The role

1. SIET is an educational charity that provides grants for students in higher education awarded on the basis of application for a specific sum, which may be linked to a particular purpose e.g. tuition, fees, books, materials, travel. Grants are awarded to Scots who show exceptional promise or ability. Though these are primarily one-off grants, in the case of a course or activity lasting more than one year, grants may be repeated but usually only for one succeeding year. SIET distributes funds twice a year in response to applications. SIET receives its funding through donations.
2. Mr Thomson said that decisions are made by the Trustees. The Trustees employ a Director to receive applications, take up references, make recommendations, and implement the Trustees' decisions. Mr Thomson said that his role will not involve contact with the Scottish Government.

Dealings in office

3. Mr Thomson said he never held roles, nor been involved in the development of policy, nor decisions that would have directly affected the interests or operation of the SIET. Mr Thomson did not meet with SIET in his capacity as Director General Strategy and External Affairs.

Departmental response

4. The Scottish Government confirmed the details Mr Thomson provided in his application.
5. The Scottish Government recommended that standard conditions be applied.