

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Elena Whitham MSP, former Minister for Drugs and Alcohol Policy and former Minister for Community Safety at the Scottish Government. Unpaid appointment with Simon Community Scotland.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) on an unpaid role you want to take up with Simon Community Scotland as a Board Member of the Connect Hub for Women.
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 made during your time in office, alongside the information and influence you may offer Simon Community Scotland. 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 Committee¹ took into account this appointment is unpaid.² 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 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. Simon Community Scotland is a charity focused on helping people who are experiencing or at risk of homelessness. It receives funding from private and Scottish government sources.³
7. The Committee determined that the risk is low that you were offered this role as a result of decisions you made in office given it is unpaid and you made no decisions specific to Simon Community Scotland while in office.
8. Whilst there is broad overlap with your former roles in office and your proposed role with Simon Community Scotland, the risk in relation to your access to information and influence is limited given the nature of the role. Further, you have been out of office for four months, without access to information in that time.

The Committee's advice

9. 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.

¹This application for advice was considered by: Andrew Cumpsty; Isabel Doherty; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Eric Pickles; Michael Prescott; Mike Weir; and Baroness Jones of Whitchurch. Hedley Finn OBE was unavailable.

²By 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.

³ <https://www.gov.scot/publications/foi-202400398196/> and <https://www.socialandsustainable.com/simon-community-scotland-receives-5m-social-investment-from-sasc-to-tackle-homelessness-in-edinburgh/>.

10. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Simon Community Scotland** be subject to the following 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;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying Scottish Government or its arms' length bodies on behalf of Simon Community Scotland (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 Simon Community Scotland (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 Simon Community Scotland (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.
11. 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 Standards Commission for Scotland⁴ and 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 Members of the Scottish Parliament. 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.
12. 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.
13. 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.

⁴All Members of Scottish Parliament are prevented from paid lobbying under the Code of Conduct for MSP.

14. 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. You said that Simon Community Scotland is a charity focused on targeting homelessness. Its mission is to provide safe places and support for people experiencing, or at risk of homelessness in Scotland.
2. You said that you wish to take up a part-time, unpaid role as a Board Member on the Women's Development Board, the Connect Hub, for Simon Community Scotland. The Connect Hub For Women is a new service from Simon Community Scotland, aiming to provide:
 - support, connection and opportunities to women at risk of or experiencing homelessness;
 - holistic support and care, as well as opportunities to access group work, education and employability pathways; and
 - connections for women within their communities and with services focusing on housing, mental health, welfare rights, harm reduction, and sexual health through partner agencies.
3. You said that as a Board Member, your responsibilities will include:
 - attending four board meetings annually;
 - fundraising (including assisting with applications to trusts and donors/grant bodies, introductions to corporations and individual donors, event coordination);
 - development and expansion of the services; and
 - advice/guidance in navigating the functioning of Simon Community Scotland.
4. You said that your role will not have any contact or dealings with the government.

Dealings in office

5. You advised the Committee of the following:
 - you made no policy, regulatory, operational or commercial decisions specific to Simon Community Scotland in office;
 - you had no access to sensitive information of benefit to Simon Community Scotland;
 - you had no contact with Simon Community Scotland; and
 - you were not aware of any relationship between your former department and Simon Community Scotland.

Departmental Assessment

6. The Scottish Government confirmed the details of your application above and added the following:

- Simon Community Scotland is a stakeholder of the Scottish government as regards to its policies on homelessness.
- There is no overlap between your former role in government and your proposed unpaid appointment at Simon Community Scotland was raised.

7. The department recommended standard conditions.