



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

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August 2024

**BUSINESS APPOINTMENT APPLICATION: Michael Matheson, former Cabinet Secretary for NHS Recovery, Health and Social Care, Scottish Government. Unpaid appointment with the Asthma and Allergy Foundation.**

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 taking up an unpaid role with the Asthma and Allergy Foundation (AAF) as an Ambassador.
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 as a minister, alongside the information and influence you may offer AAF. 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 that this appointment as Ambassador 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 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 as Cabinet Secretary for NHS Recovery, Health and Social Care, given the organisation's focus on respiratory conditions. You met with AAF while in office, at the charity's request, to discuss the work the charity undertakes. You did not make any policy or commercial decisions specific to AAF, and left your ministerial role two days later.
7. There are risks associated with your access to information, network and influence in government, as it could be seen to offer a health charity unfair access to information. The risk is limited in this role because it is unpaid; you have been out of office for seven months, reducing the value of any information you had access to; and you have confirmed that you will not have contact with government in this role.

## The Committee's advice

8. The Committee did not consider this appointment raises any particular propriety concerns under the government's Rules. The risks are appropriately mitigated by the standard conditions below, and further limited by the unpaid nature of this role. In particular, they prevent you from drawing on privileged information, contacts and influence within government to the unfair advantage of AAF.
9. In accordance with the government's Business Appointment Rules, the Committee advises that this appointment with the **Asthma and Allergy Foundation** be subject to the following conditions:

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<sup>1</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Pickles; Michael Prescott; 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 the Scottish Government or any of its arm's length bodies on behalf of Asthma and Allergy Foundation (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 Asthma and Allergy Foundation (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in ministerial office, you should not provide advice to on behalf of Asthma and Allergy Foundation (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 or any of 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 from rules administered by other bodies such as the Standards Commission for Scotland<sup>3</sup> 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.
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*

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<sup>3</sup> All Members of the Scottish Parliament are prevented from paid lobbying under the Code of Conduct for MSP.

*with which they hold office."*

13. You must inform us as soon as you take up this role, or if it is announced that you will do so. You must also 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.
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. The AAF, established in 2009, is Scotland's only dedicated Asthma Charity that provides evidence-based health information, confidential advice, and support to people with asthma, their families, and carers across Scotland. The organisation also provides asthma awareness training to businesses and healthcare professionals.
2. You told the Committee that the role will be unpaid and part-time. You said that as an ambassador, you will be talking about the work of the AAF and to speak confidently to parents and carers for those with asthma. You said that this role will not involve contact with government.

### Dealings in office

3. You told the Committee that you did meet with AAF while in office – at the request of the charity – but that you did not make any decisions (policy, regulatory, commercial) specific to AAF. You also said that you did not have any access to sensitive information specific to AAF; and there is no departmental relationship between the Scottish Government and AAF.

### Departmental assessment

4. The Scottish Government provided the following information:
  - a. You attended a meeting with AAF on 6 February 2024 (you left office on 8 February 2024), when you were the Cabinet Secretary for Health and Social Care. This meeting was to discuss the work that AAF carries out, and it was held at the request of AAF. Policy officials were present at the meeting.
  - b. There is no departmental relationship with AAF. Scottish Government officials have met with the charity on specific occasions and they have provided responses to consultations.
  - c. There is no concern as to your access to information – you do not have access to information specific to AAF or respiratory conditions policy, generally.
  - d. You did not make any decisions – policy, regulatory or commercial – specific to AAF in office.
5. It did not have any concerns regarding this appointment and the standard conditions were recommended to mitigate any inherent risks.