



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

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://www.gov.uk/acoba>

June 2025

**BUSINESS APPOINTMENT APPLICATION: Elena Whitham MSP, former Minister for Drugs and Alcohol Policy, the Scottish Government. Unpaid appointment with Shelter Scotland.**

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up an unpaid role as a Co-Optee of the Committee at Shelter Scotland (Shelter).
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 Shelter. The material information taken into consideration by the Committee is set out in the annex below.
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 a Co-Optee of the Committee at Shelter 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, 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. Shelter Scotland is a key stakeholder for the Scottish Government, with whom it has a close working relationship - though there is no direct overlap between your ministerial responsibilities and this proposed role. There remain inherent risks associated with your access to information and network of contacts and influence in government as a former minister. In this unpaid role, these risks are limited.

### The Committee's advice

7. The Committee did not consider this unpaid appointment to raise any particular concerns under the government's Business Appointment Rules. The standard conditions below sufficiently mitigate the inherent risks. These seek to prevent you from making improper use of privileged information, contacts and influence to the unfair advantage of the organisation.
8. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Shelter 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 the Scottish Government or its arm's length bodies on behalf of Shelter Scotland (including parent companies,

---

<sup>1</sup> This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Michael Prescott; and The Baroness Thornton. Dawid Konotey-Ahulu CBE was unavailable.

<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.

subsidiaries, partners and clients); nor should you 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 Shelter 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 Shelter 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 arm's length bodies.
9. 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 that they 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 Ministerial Code or otherwise.
  11. The Business Appointment Rules explain that the restriction on lobbying means that you *'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'*.
  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. 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.

---

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

Isabel Doverty

**Interim Chair  
ACOB**

## **Annex – Material Information**

### The role

1. Shelter is a charity operating in the housing and homelessness sector. Shelter Scotland is a Directorate within Shelter, with its governance overseen by the Shelter Scotland Committee, a sub-committee of Shelter's UK Board of Trustees. This committee is responsible for the oversight, support, and specialist scrutiny of Shelter's operations in Scotland. Its activities include campaigning on housing issues, providing support and advice, and advocating for individuals facing housing problems. The organisation's website states its dedication to the right to a safe home and to addressing the housing emergency. Shelter collaborates with government bodies to influence housing policy related to homelessness and poor housing conditions. It also offers a Housing Law Service providing legal advice and representation.
2. You wish to take up a part-time, unpaid role as a Co-Optee of the Committee at Shelter Scotland. As a Co-Optee, your role will be to provide support and scrutiny for the work of the Shelter Scotland Executive Team in its work to deliver the Strategic Plan. Further responsibilities will include:
  - attending four committee meetings per year;
  - preparing for meetings, including reviewing documents and reports;
  - participating in induction and ongoing training; and
  - engaging with staff and stakeholders as needed.
3. You said you will have no formal contact with government in your role.

### Dealings in office

4. You said that you did not make any policy, regulatory or commercial decisions specific to Shelter, and that you did not have any access to information that could grant the organisation an unfair advantage. You also stated that there was no relationship between Shelter and the Scottish Government.

### Departmental Assessment

5. The Scottish Government confirmed that you did not make any policy, regulatory or commercial decisions specific to Shelter, and that you did not have any access to information that could grant the organisation an unfair advantage.
6. The Scottish Government noted that Shelter Scotland is a significant and influential stakeholder, and stated it maintains a close working relationship with Shelter's officers.

7. The Scottish Government recommended the standard conditions.