

*From the Chair*



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

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Humza Yousaf MSP, former First Minister of Scotland. Paid appointment with Ten in Ten Gigatonne.**

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 appointment as Strategic Advisor with Ten in Ten Gigatonne (Ten in Ten).
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 Ten in Ten. 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. There is a broad overlap between your time in office and the work of Ten in Ten, in so far as it focuses on climate change which is a priority for governments across the UK. The Scottish Government confirmed you did not meet with, nor have involvement in any decisions specific to Ten in Ten during your time in

office. The Committee<sup>1</sup> considered the risk this appointment could reasonably be perceived as a reward for decisions made or actions taken in office is low.

6. As First Minister, you had access to sensitive information across the Scottish Government, including in relation to the company's area of focus. This is a broad risk related to your general access to information and your former department has identified no direct overlap, nor any specific information it is aware of that would offer an unfair advantage to Ten in Ten.
7. There are risks associated with your influence and network of contacts gained whilst in ministerial office, should they be used to offer Ten in Ten unfair access. You confirmed your role will not involve contact with the UK government or devolved governments.
8. Your role as Strategic Advisor involves setting up meetings that could be of use in furthering Ten in Ten's aims. Due to your previous role as First Minister and influence in Scottish Government, there is therefore a risk of conferring an unfair advantage to the company, were you to draw specifically on your contacts external to the Scottish Government gained only as a result of your time in office.

#### The Committee's advice

9. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information or influence gained from your time in ministerial service to the unfair advantage of Ten in Ten.
10. Additionally, the Committee imposed a restriction on lobbying contacts you made during your time in office in other governments and organisations outside of the UK government for the purpose of securing business for Ten in Ten.
11. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Ten in Ten Gigatonne** 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;

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<sup>1</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doherty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Pickles; Michael Prescott; and Mike Weir. The Baroness Thornton was unavailable.

- 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 Ten in Ten Gigatonne (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 Ten in Ten Gigatonne (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office you should not undertake any work with Ten in Ten Gigatonne (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; and
- for two years since your last day in ministerial office, you should not become personally involved in lobbying contacts in other governments and organisations that you developed during your time in office for the purpose of securing business and investments for Ten in Ten Gigatonne.

12. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; there are separate rules administered by other bodies such as the Standards Commission for Scotland<sup>2</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.

13. 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.*"

14. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. Please also inform us if you propose to

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<sup>2</sup> All Members of Scottish Parliament are prevented from paid lobbying under the Code of Conduct for MSP.

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.

15. 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. You stated Ten in Ten is aimed at tackling the climate emergency by abating one gigatonne of CO<sub>2</sub> per year equitably. This is done by creating multiple teams across the world (currently operating in 71 cities worldwide) to help break down the scale of the challenge into manageable chunks.
2. According to Ten in Ten's website, the company operates in the areas of climate change, biodiversity and clean waste. It describes Ten in Ten as the world's first equity-based strategic response to the global climate crisis. It states it generates carbon credits for financing and training teams to reduce greenhouse gas emissions.
3. You stated Ten in Ten does not currently have any relationship with the devolved governments or HM government in the UK.
4. In your paid, part-time role as Strategic Advisor, you stated your role will involve:
  - raising awareness of the work Ten in Ten does and support their work
  - helping to set up meetings that could be of use to furthering their aims.
5. You confirmed your role does not involve contact with government. You stated that neither the devolved, nor the UK government are Ten in Ten's focus of engagement. Further, you would be mindful of ACOBA's conditions in terms of your engagement.

### Dealings in office

6. You did not meet with Ten in Ten while in office and there is no relationship between the company and your former department. You also confirmed you

did not have any involvement in policy, nor did you make any decisions relevant to Ten in Ten while in office.

### Departmental Assessment

7. The Scottish Government confirmed the details you provided, stating:
  - you would have had responsibility broadly for Scottish Government policies on climate change, but not involved in any policies specific to Ten in Ten;
  - you did not meet with Ten in Ten whilst in office, nor does the company hold a relationship with Scottish Government;
  - you would have had general access to information on Scottish Government policy. However, it added that it does not consider you to have access to any specific information that confers an unfair advantage to Gigatonne;
  - the change of First Minister means would not have been sighted on recent policy changes; and
  - the Bute House information relevant to the agreement with the Scottish Green Party organisation was terminated by yourself shortly before you demitted office, and current environmental policy may not be fully consistent with that during your time in office.
8. The Scottish Government recommended the standard conditions.