

# Business Appointment Rules

It is in the public interest that people with experience of public administration should be able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern over a particular appointment. It is equally important that when a former Crown servant accepts an outside appointment there should be no cause for any suspicion of impropriety.

The Business Appointment Rules provide for the scrutiny of appointments which former Crown servants propose to take up in the first two years after they leave the service. To provide an independent element in the process of scrutiny, the Advisory Committee on Business Appointments is appointed by the Prime Minister, comprising people with experience of the relationships between the Civil Service and the private sector. The Committee gives advice on applications at the most senior levels, and reviews a wider sample in order to ensure consistency and effectiveness.

The aim of the rules is to maintain public trust in the Crown services and in the people who work in them, and in particular:

- avoid any suspicion that the advice and decisions of a serving officer might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- to avoid the risk that a particular firm might gain an improper advantage over its competitors by employing someone who, in the course of their official duties, has had access to technical or other information which those competitors might legitimately regard as their own trade secrets or to information relating to proposed developments in Government policy which may affect that firm or its competitors.

Most applications submitted under the rules are approved without condition. In some cases approval may be given subject to a waiting period or other conditions. The imposition of conditions does not imply anything improper in a Crown servant's relationship with the prospective employer. Rather, it is an indication that an immediate move from Crown service to the employer, or one without conditions, might be open to criticism or misinterpretation. Experience has shown that employers generally are content to accept such constraints as being reasonable in an open society which places a high premium on the integrity and impartiality of its civil service.

## Who Must Apply?

Within 2 years of leaving Crown employment, and in the circumstances set out in the following topic, you must obtain Government approval before taking any form of full, part-time or fee-paid employment:

- **in the United Kingdom; or**
- overseas in a public or private company or in the service of a foreign government or its agencies.

Applications for approval must be made:

- if you are in the Senior Civil Service in salary band 2 or above and in a post attracting a minimum JESP score of 14; or if you are a Specialist or Specialist Adviser of equivalent standing; or
- if you have had any official dealings with your prospective employer during the last 2 years of Crown employment; or
- if you have had official dealings of a continued or repeated nature with your prospective employer at any time during your period of Crown employment; or
- if you have had access to commercially sensitive information of competitors of your prospective employer in the course of your official duties; or
- if, during the last 2 years of Crown employment, your official duties have involved advice or decisions benefiting your prospective employer, for which the offer of employment could be interpreted as a reward, or have involved developing policy, knowledge of which might be of benefit to the prospective employer; or
- if you are to be employed on a consultancy basis - either for a firm of consultants or as an independent or self employed consultant - and you have had any dealings of a commercial nature with outside bodies or organisations in the last 2 years of Crown employment.

The rules do not apply to:

- unpaid appointments in non-commercial organisations;
- appointments in the gift of Cabinet Secretaries; or
- in the case of part-time staff, appointments held with the Department's agreement while you were a civil servant.

Approval is required for:

- the initial appointment; and
- any further appointment within 2 years of leaving Crown employment.

If you are on secondment from the Scottish Government to another organisation you are subject to the rules in the same way as other members of staff.

If you are on secondment to the Scottish Government from another organisation, you are also subject to the rules in the same way as civil servants unless you return to your seconding organisation at the end of your secondment and remain with them for 2 years.

If you are a Special Adviser, you are subject to the rules in the same way as other members of staff unless you are offered a post by the same employer which you left on appointment as a Special Adviser and remain there for 2 years. The rules do not apply if you were appointed before 1 April 1996 on terms exempting you from the rules, unless you have volunteered to be subject to them.

### **Reporting Offers of Employment**

If you are considering an approach from an outside employer offering employment for which approval would be required under these rules - or which seems likely to lead to such an offer - you must report the approach as follows:

- Permanent Secretary:
  - report to The First Minister;
- Other members of the Senior Civil Service (or equivalents)
  - report to The Permanent Secretary;
- All other staff: report to HR Shared Service Centre.

If you are involved with procurement or contract work you should report any such approach, particularly where it emanates from an outside employer with whom you or your staff have had official dealings, **whether or not** you are considering taking it up.

### **Applications for Outside Appointments**

If you require approval before taking up an outside appointment, you must apply to the HR Shared Service Centre using the standard Business Appointment Rules Form.