

J Grove
request-691719-24c28018@whatdotheyknow.com

Our Reference: 202000090169
Your Reference: request-691719-24c28018@whatdotheyknow.com

13 October 2020

Dear J Grove,

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 16 September 2020 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked what is the minimal financial value (in pounds Sterling) that requires a Chief Medical Officer (CMO) (or Deputy Chief Medical Officer or Interim Chief Medical Officer) in Scotland to register a personal financial interest with the Scottish Government, such that this financial interest is recorded on Scottish Government systems.

Response to your request

All civil servants, and secondees, are expected to conduct themselves in accordance with the Civil Service Code and its core values of integrity, honesty, objectivity and impartiality. A summary of the Code forms part of the SCS contract.

The Scottish Government requires members of the Senior Civil Service (SCS), including SCS equivalent secondees, to register their interests and those of close family members. We recognise the potential benefits to be gained from colleagues participating in outside activities including additional employment or self-employment. All staff are permitted to engage in activities in their private lives,

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

outwith the duties of their role within the Scottish Government.

There are robust procedures in place regarding registering their interests, which ensures that any interests that are registered are scrutinised for any potential conflict and, if necessary, appropriate measures are put in place to mitigate that conflict.

SCS Contracts and Permitted Outside Interests

SCS contracts, and the associated guidance which forms part of their terms of employment, specify that all must declare and register the following interests. There is no minimum financial value specified.

- business interests (including directorships), not only personal, but also of close family members
- shareholdings or other securities/financial interests which civil servants or members of their close family hold – where these are trusts, for example PEP, ISA, only the holding organisation needs to be declared. Senior civil servants aren't required to register cash ISAs
- any other financial interest where there is the potential for a conflict of interest to arise as a result of a civil servant's official position (excluding bank and mortgage providers)
- private interests in organisations where there could be the potential for a conflict of interest to arise, for example membership of clubs, societies and other organisations

Each interest is considered for any potential conflict of interest to ensure that there can be no suggestion of bias or the use of an official position to further personal interests.

If there is a potential conflict of interest a range of actions that could be taken, including but not limited to:

- delegating the affected colleague's responsibilities to another
- declaring any relevant interests at all meetings to which the interest relates
- recording potential conflicts in the minutes of meetings
- excluding the affected colleague from meetings (or parts of meetings) which discuss matters related to their interests
- moving to another post in the Scottish Government where the conflict would not arise
- disposing of the interest

The appropriate actions are agreed with the line manager in writing. In addition, members of the SCS are prompted to discuss any conflict of interests as part of the appraisal process at both in year and end year points. They are also reminded about the need to register their interests as part of the induction process when they join the organisation and whenever they move to a new post. In terms of independent audit, the Register of Interests for SCS is viewed by Audit Scotland on an annual basis, and an annual report is provided to Scottish Government Audit and Assurance Committee.

I cannot comment on the details of the outside activities of a specific individual, however I can confirm that as secondees, the Interim CMO Gregor Smith, and Deputy Chief Medical Officer Nicola Steedman, have followed the above process.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Service Level Agreements

Within the Health and Social Care Directorates (HSCD), a Service Level Agreement (SLA) may be used to procure services from NHS Scotland, in the form of mainly health-related expertise and skills not readily available in the Scottish Government. We currently have two SLAs with NHS Scotland to provide, as a service, skills and expertise equivalent to that of a Deputy Chief Medical Officer. These services are currently delivered by two NHS employees. The NHS staff providing these services are not Scottish Government employees. They are not required to register their personal financial interests with the Scottish Government, although they may choose to do so. Any register of interests is a matter for the NHS as their employer and as the provider of the service under the terms of the SLA. Where issues do arise, these will be discussed between the Scottish Government and the employer.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Nicola Richards, Director, People Directorate, Scottish Government, E1 Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD or Nicola.Richards@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review in accordance with FOISA as soon as possible, and not later than 20 working days from the day following the date we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely



Lynne Carter
DFP : People Development

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

