



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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November 2021

BUSINESS APPOINTMENT APPLICATION: Michael Driver CB, former SRO, Borders Programme at the Department for Health and Social Care, previously Chief Financial Officer, Head of the Government Finance Function and interim Permanent Secretary at the Ministry of Justice. Appointment with Allen Lane Ltd.

1. Mr Driver sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on an appointment he wishes to take up with Allen Lane Ltd (Allen Lane). The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Given his senior roles at the Ministry of Justice (MOJ), and in particular his involvement in finance - Mr Driver will have had significant involvement and insight into the government's financial capabilities and plans. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions Mr Driver made during his time in service, alongside the information and influence he may offer Allen Lane, based on the information provided by him and his former department.
3. The Committee considered whether this appointment was unsuitable given Mr Driver's former roles at the MOJ which may have some overlap. The Committee must also consider the information provided by the department about his specific dealings with this employer and the sector. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment for the former Chief Financial Officer and interim Permanent Secretary, in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

appointment. Former Crown servants 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. Allen Lane describes itself as a recruitment service for the public and not-for-profit sectors. The company provides finance, IT, procurement, project and executive level individuals on an interim and permanent basis to the UK government and across other public and not-for-profit sectors. He seeks to join as a Strategic Adviser, focussed on: growth opportunities into the non-government public sectors; advising the CEO and CFO on revenue opportunities and cost savings, efficiency options; and providing ad hoc advice, support and coaching to the Allen Lane Senior Management Team.
6. The Committee² noted there is a contractual relationship between the MOJ the Department for Health and Social Care (DHSC) and Allen Lane, who provide recruitment services. However, Mr Driver was not involved in the day-to-day management of this and his decisions in office led to the MOJ spending less money with the company. The Committee therefore considered there is no evidence he was offered this role as a result of decisions made or actions taken in office.
7. As the former Chief Financial Officer at the MOJ and Head of the Government Finance Function (until August 2020), the Committee noted Mr Driver would have had significant insight into the MOJ and government's financial strategy and commitments. This information could offer an unfair advantage to Allen Lane, as it may provide unfair insight into commercial opportunities within government. The Committee also noted there is also a risk associated with his insight into government's commercial requirements in relation to shared services as a result of his role on the board of Shared Service Connected (SSCL).
8. The Committee noted there are mitigating factors raised by Mr Driver and the departments which reduce the scope of the above mentioned risks:
 - Mr Driver is prevented from drawing on privileged information from his time in office, not only from the conditions below but due to his ongoing duty of confidentiality.
 - Mr Driver's most recent roles, as interim Permanent Secretary and then leading the Borders Programme and the Managed Quarantine Service at the Department of Health and Social Care (February 2021 - September 2021) provided no significant overlap with his responsibilities and the work of Allen Lane.
 - The Cabinet Office confirmed it was not aware of any reason his role on the SSCL board would provide Allen Lane with any specific unfair insight into government services/requirements.
 - He left his role as Chief Financial Officer at the MOJ and the Head of the Government Finance Function for the MOJ over 12 months ago.

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty. Jonathan Baume Sarah de Gay and Dr Susan Liataud were unavailable.

9. However, there remains a risk Mr Driver may have privileged insight that could offer an unfair advantage. The Committee considered the risks under the Rules would likely arise should he advise on matters related to Allen Lane's work with the government. However, the Committee noted this is in keeping with his role as described, which will focus on advising Allen Lane on non-government public sectors and not involve its business with the government.
10. More generally, the Committee noted, given his former roles within government there is a risk it could be perceived that his influence and contacts might assist Allen Lane unfairly. Further, the Committee noted there was a risk he could utilise his knowledge of the capabilities of departmental employees to head-hunt individuals on behalf of Allen Lane or their clients.

The Committee's advice

11. Given the risks associated with his responsibilities in office and the relationship between government and Allen Lane, the Committee agreed with the MOJ that Mr Driver should be prevented from working on service delivery provided by Allen Lane to the MOJ. The Committee's advice is that it would not be appropriate for Mr Driver to advise Allen Lane on any work it does with the government as a whole. The Committee noted this is entirely in keeping with his intention to work with Allen Lane on opportunities in non-government public sectors.
12. As with all such applications, Mr Driver is prevented from lobbying the government on behalf of Allen Lane. To address the risk Mr Driver is seen to offer an unfair advantage due to his knowledge of the capabilities of existing staff, the Committee has imposed a restriction on his head-hunting individuals, where he would only have access to knowledge of their skills and capabilities by virtue of his time in Crown service.
13. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Allen Lane Ltd** be subject to the following conditions:
 - for two years from his last day in Crown service, his role with Allen Lane Ltd will be limited to the role as described:
 - Providing strategic advice on growth opportunities for the business.
 - Working with and advising the CEO and CFO on revenue opportunities and cost savings/ efficiency options.
 - Providing ad-hoc advice, support and coaching to the Allen Lane Senior Management Team.
 - In doing so, he will not advise Allen Lane Ltd on UK government business.
 - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its Arm's Length

Bodies on behalf of Allen Lane Ltd (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Allen Lane Ltd (including parent companies, subsidiaries, partners and clients);

- for two years from his last day in Crown service, he should not provide advice to Allen Lane Ltd (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 UK government or any of its Arm's Length Bodies; and
- for two years from his last day in Crown service he should not draw on information concerning the capabilities of current employees of government, known to him by virtue of his time in Crown service, to actively initiate or assist head-hunting of those employees on behalf of Allen Lane.

14. 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.

15. 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." This Rule is separate and not a replacement for the Rules in the house

16. Mr Driver must inform us as soon as he takes up employment with this organisation(s), or if it is announced that he will do so. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether he has complied with the Rules.

17. Please also inform us if Mr Driver proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.

18. Once the appointment(s) 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.

Yours Sincerely,

Isabella Wynn

Committee Secretariat

Annex - Material information

The role

1. Mr Driver said Allen Lane is a recruitment company, delivering finance, IT, procurement, project and executive level individuals on an interim, permanent and managed service basis across the UK's Public and Not for Profit Sectors. The website states it is a recruitment service for the public and not-for-profit sectors - it provides recruitment to the UK government.
2. Mr Driver sought to join in paid, part-time, capacity as a strategic Adviser. He said Allen Lane has plans to grow considerably over the coming years, through organic growth, driving operational efficiency and effectiveness and through targeted acquisition. The role has been designed around three main areas:
 - As a strategic adviser, where the focus will be to advise on short and longer-term growth opportunities for the business. These will be focused on: nationwide expansion (aligned with the levelling up agenda - Allen Lane's business has traditionally been very London centric); sector expansion (into the non-Government public sectors); and advising on options for business acquisitions.
 - Working with, and advising, the CEO and CFO on revenue opportunities and advising on where cost savings and efficiency options might be developed.
 - Providing ad hoc advice, support and coaching to the Allen Lane Senior Management Team (both collectively and individually).
3. He does not expect his role to involve contact with government.

Dealings in office

4. Mr Driver said Allen Lane hosted an event for the Government Finance Function in 2018, where they introduced a number of people to the concept of working in government. The event was pro bono and non-contractual. Mr Driver spoke at the event and met a number of the people who attended.
5. He also told the Committee there was a relationship between his former department, MOJ and Allen Lane. He said that when he joined the MOJ as CFO in 2016 he recognised there was too much reliance on contracted staff provided by Allen Lane. He said those staff had been replaced by Civil Servants with a year. He said he did not have access to sensitive information.
6. Whilst in government Mr Driver became a Non-Executive Director of Shared Service Connected Ltd (SSCL). SSCL is a joint venture between the Cabinet Office and majority-owner Steria, a multinational IT firm, which was established in November 2013 - it is a private company. SSCL is the largest provider of business-critical support services for the government. Mr Driver said his role on the board was to:
 - represent the interests of the Government Shareholder:

- to provide non-executive oversight and constructive challenge to the Executive.
 - supporting the development of SSCL's strategic direction
 - assuring its financial stability and growth
 - supporting and assuring the audit and risk arrangements applied (as a member of the audit and risk committee)
 - assuring business performance against agreed measures (this has been critical over the past 18 months given the challenges of the pandemic)
 - giving regular feedback to the Shareholder Executive.
 - he had no engagement with government departments
 - he played no part in letting contracts.
7. Whilst at DWP I was involved in supporting the shared service strategy that was led by the Cabinet Office. He said he was asked to join the board following substantial involvement in the project in 2015 and 2016. When he transferred to the MOJ he said he played only a very minor role – the MOJ leadership for this was with Matthew Coates (now Cabinet Office); and he has had no involvement in the strategy for at least 3 years. At MOJ he had no responsibility for shared services delivery or contract performance.
8. The government appointed Mr Driver to this role and he will leave the SSCL non-executive role when he leaves government service.

Department Assessment

9. The MOJ provided their views on this application; as did the Cabinet Office due to Mr Driver's involvement in the government's Shared Services Strategy; as did the Department for Health and Social Care (DHSC) given he has been in DHSC working on the Borders Programme and the Managed Quarantine Service since February 2021. The MOJ confirmed the details provided by Mr Driver and said it has a contractual relationship with Allen Lane. The MOJ said it had historically had a high dependency on Allen Lane but following Mr Driver's appointment as CFO steps were taken to remove Allen Lane from the organisation with the development of the finance function inside the MOJ. This resulted in a reduction in spending with Allen Lane during Mr Driver's term as CFO.
10. Regarding Mr Driver's involvement with SSCL and the government Shared Services Strategy, the Cabinet Office said Mr Driver has worked in very Senior roles for a number of departments involved in Shared Services, including MoJ and DWP (which he left in 2016) where he had direct knowledge and significant input into government's Shared Services Strategy, as well as direct contact with SSCL during informal and formal contractual discussions of the Shared Services Programme, right from the beginning of the Framework Agreement. The Cabinet Office confirmed that whilst he would have insight from his time on the SSCL it is not aware of any reason his role on the SSCL Board would provide Allen Lane with any specific unfair insight into government services/requirements

11. The MOJ noted Mr Driver has no intentions to work with SSCL in this role at Allen Lane.
12. The MOJ do not consider the appointment improper nor have overarching reservations, but do consider the appropriate restrictions need to be put in place - the MOJ has recommended the following conditions:
- his role does not have any involvement with any current contracts that he and his team managed whilst at the Department, or any future bids whereby the knowledge and insight gained in your employment could be used to give an unfair competitive advantage to his new employer
 - lobbying ban
 - he should not have any involvement with contracted service delivery provided by Allen Lane Ltd to MoJ
 - he should not have any involvement with Allen Lane's bid teams working on any MoJ procurements or projects
 - he should not gain commercial nor financial advantage for Allen Lane through his SSCL Non-Executive role