



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Michael Driver CB, former Chief Financial Officer, Head of the Government Finance Function and interim Permanent Secretary at the Ministry of Justice (MOJ). Appointment with Maximus UK.

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 Maximus UK as Non-Executive Chair of the Maximus UK Strategy Advisory Board. 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. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during an applicant's time in office, alongside the information and influence a former Crown servant may offer Maximus UK. 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 in any other respect.
3. 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 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

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

4. Mr Driver stated Maximus UK provides health and people-focused services. The Committee² noted the Ministry of Justice (MOJ) has a contractual relationship with Maximus UK and it is a verified supplier for the Department for Health and Social Care (DHSC). However, the Committee noted, in his roles with the MOJ and DHSC, Mr Driver did not make any decisions specifically affecting Maximus UK or its competitors. The Committee considered the risk of this appointment being offered as a reward for decisions made in post as low.
5. The Committee noted DHSC's comments that Mr Driver will have a general understanding on how government works and particularly how DHSC works. However, the Committee noted both departments (DHSC and MOJ) did not consider Mr Driver's access to information to pose any particular risk in relation to this work, and noted almost five months have passed since he was in government.
6. Additionally, while Mr Driver does not expect this role to include contact with the UK government, the Committee noted Maximus UK has a contractual relationship with government. As such it could be perceived that his contacts within the government could unfairly assist Maximus UK. However, Maximus UK already has an established relationship with government, so the Committee noted this risk was limited.

The Committee's advice

7. The Committee noted the department's confirmation that it had no concerns with Mr Driver taking up this appointment. Further, he is subject to the conditions below which prevent him from drawing on his information and network to unfairly benefit Maximus UK. As such, whilst Maximus UK will undoubtedly gain from his skills and experience in government, the risk he could use his contacts and information to unfairly benefit Maximus UK are mitigated.
8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Maximus UK** be subject to the following conditions:
 - 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 Maximus UK (including parent companies, subsidiaries, partners, clients and members); 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 Maximus UK

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

(including parent companies, subsidiaries, partners, clients and members);
and

- for two years from his last day in Crown service, he should not provide advice to Maximus UK (including parent companies, subsidiaries, partners, clients and members) 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.
14. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is your personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
 15. 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.
 16. 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*'.
 17. Mr Driver must inform us as soon as he takes up employment with this organisation, 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.
 18. 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.
 19. 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.

Yours Sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Mr Driver stated Maximus UK provides health and people-focused services. The company aims to empower people by supporting them through important life changes, enabling them to transform their lives. Those services focus on:
 - Health assessments - functional assessments covering a range of benefits, including Employment and Support Allowance, Industrial Injuries and Veterans UK
 - Occupational Health and Wellbeing Services - provider of occupational health and wellbeing services
 - Employment Support - deliver programmes that support disabled and disadvantaged people to find and remain in work
 - Justice - offers health, employment, and case-management programmes for offenders in the UK
 - Mental Health Support - programmes to support mental wellbeing in the workplace
2. The website states Maximus UK is a '*...trusted partner to government, providing innovative and high performing services that deliver better outcomes for the public and our commissioners*'. It states it integrates capabilities from across its business, to bring together expertise in assessment, case management, employment support and digital transformation. It states it has delivered 3 million health assessments on behalf of the Department for Work and Pensions.
3. Maximus UK is part of Maximus Inc. Maximus Inc. is an American government services company, with global operations in countries including the United States, Australia, Canada, and the United Kingdom. The company contracts with government agencies to provide services to manage and administer government-sponsored programs.
4. Mr Driver stated he will work constructively with UK Board Members to provide strategic oversight and to support the UK Board to ensure that the objectives of Maximus UK are achieved, and that Maximus UK is managed and controlled appropriately and is accountable to its stakeholders. Mr Driver said as Chair he will:
 - Chair all Advisory Board meetings;
 - attend any Board strategy or other Board meetings as necessary;
 - constructively challenge and help develop proposals on strategy;
 - scrutinise the performance of management in meeting agreed goals and objectives and monitor the reporting of performance;
 - support the Board by ensuring compliance with the values, mission and strategic objectives of Maximus, ensuring its long-term success;
 - set a positive culture with a strong customer focus;
 - provide oversight, direction and constructive challenge to Maximus's UK Board;

- work collectively with other Board Members to ensure that the Board fulfils its role;
- represent Maximus UK as necessary in the media;
- participate in the individual performance appraisal of UK Board members;
- visit UK business delivery sites and engage with local staff; and
- overseas travel as necessary.

5. He does not expect his role to involve contact with government.

Dealings in office

6. Mr Driver said Maximus UK was a supplier of healthcare services at the DWP. As the CFO he had some performance conversations with the company, although these were mainly led by the Director of Health Services. Mr Driver has had no engagement with Maximus UK since he left the DWP on 31 March 2016.
7. Mr Driver confirmed he did not: have any involvement in any relevant policy development or decisions that would have affected Maximus UK; nor did he meet with competitors of Maximus UK; or have access to sensitive information regarding competitors.

Department Assessment

8. Both DHSC and MOJ were consulted on this application. Both departments confirmed the details Mr Driver provided. The MOJ confirmed there is a contractual relationship between themselves and Maximus UK. DHSC also stated it currently does not have any live contracts with Maximus UK, but said they are a supplier listed on its e-commerce system, so they are able to bid for business. But confirmed there was no current contract. However, both departments confirmed Mr Driver was not involved in any contractual or policy decisions specifically affecting Maximus UK.
9. Both departments stated Mr Driver had no access to specific information that could provide an unfair advantage. DHSC confirmed he would have nothing specific but stated he will understand how government works and he will understand how DHSC works in general terms. DHSC added Mr Driver was only with DHSC for a short while and was exclusively working on the setting up of, and the running of Managed Quarantine Services.
10. Neither department raised any concerns with Mr Driver taking up this role.