



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up an appointment as a Consultant with Global Counsel.

The Committee's role and remit

2. As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the government's Business Appointments Rules for former ministers (the Rules), which apply to former ministers for two years after they leave office. The Rules seek to counter suspicion that:

- a. the decisions and statements of a serving minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b. an employer could make improper use of official information to which a former minister has had access; or
- c. there may be cause for concern about the appointment in some other particular respect.

3. When the Committee considers applications, it must have in mind that government has judged that it is in the public interest that former ministers with experience in government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

4. It is not the Committee's role to pass judgement on whether an appointment is appropriate or suitable in any other regard.

The Application

5. You sought the Committee's advice on taking up a paid, part-time position as a Consultant with Global Counsel. You said Global Counsel is a political and

strategic consultancy. The website stated Global Counsel is a strategic advisory business. It helps companies and investors across a wide range of sectors anticipate the ways in which politics, regulation and public policymaking create both risk and opportunity – and works to develop and implement strategies to meet these challenges.

6. You told the Committee you will chair a client roundtable and contribute to a Global Counsel briefing event with clients. Giving general political insights on commercial matters, drawing on my commercial and political experience. You do not expect your role to involve contact with government.

7. You advised the Committee that you had no contact with and made no policy or contractual decisions affecting the organisation. You further confirmed you did not have access to sensitive information relevant to Global Counsel; nor did you meet with or have access to commercially sensitive information regarding competitors of Global Counsel while in office.

8. The Home Office and Department for Health and Social Care (DHSC) were consulted on this appointment and it was confirmed the details you provided were correct - you neither met with, had involvement in, nor had access to commercially sensitive information on Global Counsel or its competitors. Both departments confirmed you did not have any access to sensitive information that could provide an unfair advantage to Global Counsel and had no concerns with you taking up this appointment.

The Committee's consideration

9. The Home Office and DHSC confirmed you had no involvement in policy or contractual decisions specifically affecting Global Counsel while in office. The Committee¹ noted neither department has a relationship with Global Counsel and neither had any concerns about you taking up this appointment. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.

10. The Committee noted as a former minister at the Home Office and DHSC you would have had access to privileged information relating to future regulation and policy which may be seen to offer an unfair advantage to Global Counsel and its clients. However, the Committee gave weight to both departments' comments that they have no concerns relating to your access to sensitive information. Further, the

¹ This application for advice was considered by Jonathan Baume; Andrew Crumpsty; Isabel Doverly; Sarah de Gay; The Rt Hon Lord Eric Pickles; Richard Thomas; Mike Weir and Lord Larry Whitty. Dr Susan Liataud was unavailable.

Committee noted the amount of time that has already passed since you were in office (over 15 months). The Committee noted that you are prevented from drawing on your privileged information as with all former ministers which helps to mitigate this risk.

11. However, the Committee also noted there may be potential risks associated with the unknown nature of Global Counsel's clients. Specifically, should they be a company or organisation you or DHSC/Home Office had a commercial relationship with or where you had some specific insight or influence in respect of their work whilst in post. Therefore, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising Global Counsel or its clients where it involves working on matters you had involvement with in office.

12. There is also a general risk the contacts you gained while in ministerial office could provide an unfair advantage to Global Counsel. However, you stated the role will not involve contact with the government and the lobbying restriction, below, makes clear that it would be inappropriate for you to use your contacts across the UK government to the unfair advantage of Global Counsel. The Committee would also like to draw your attention to the ban on providing advice on bids and contracts relating to the work of the UK government.

13. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Global Counsel** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from ministerial office.
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government on behalf of Global Counsel (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 Global Counsel (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office you should not advise Global Counsel (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK government; and
- for two years from your last day in ministerial office, you should not advise Global Counsel or its clients on work with regard to any policy you had specific involvement or responsibility for as Parliamentary Under Secretary of State for Immigration at the Home Office or as Parliamentary Under Secretary of State for Public Health and Primary Care at DHSC; or where you had a

relationship with the relevant client during your time as Parliamentary Under Secretary of State for Immigration at the Home Office or as Parliamentary Under Secretary of State for Public Health and Primary Care at DHSC.

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 Civil Service 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."

16. I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you 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 you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

17. Once this 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

Seema Kennedy OBE