



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://www.gov.uk/acoba>

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**BUSINESS APPOINTMENT APPLICATION: Samantha Cohen, former Director of Office and Interim Chief of Staff at No.10. Paid appointment with Rio Tinto.**

1. Ms Cohen 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 her proposal to take up a role with Rio Tinto as Chief of Staff. The material information taken into consideration by the Committee is set out in the below 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 Ms Cohen's time in office, alongside the information and influence she may offer Rio Tinto.
3. 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 is not an endorsement of this appointment in any other respect.
4. The Rules 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

5. There is no relationship between Cabinet Office and Rio Tinto, nor did Ms Cohen meet with, or make decisions specific to the company. Ms Cohen applied for an advertised position, minimising the risk this appointment could reasonably be seen as a reward for decisions taken in office.

6. Given Ms Cohen's former role as Director of Office and Interim Chief of Staff at No.10, she will have had access to a wide range of sensitive information and insight whilst in office, including information around energy and net zero policy. The Committee<sup>1</sup> recognised any organisation may be considered to gain from her insight from the centre of government that is unavailable to its competitors. However, the Committee considered there are factors that help to mitigate the risks associated with this access to information:
- this is a general risk associated with the breadth of her role, there is no evidence she has access to anything specifically overlapping with this proposed work. Though she may have had access to information relevant to the sector in her role in No.10 she had no responsibility for developing or making decisions on policy, regulation or funding towards Rio Tinto or the sector in which it operates;
  - Ms Cohen was only in government for 5 months, during which there was a moratorium on policy decisions during the leadership campaigns - reducing the breadth of information she had access to;
  - the various changes to the administration as a result of two newly appointed Prime Ministers since she left office means the currency of information is likely to be degraded; and
  - it has been 4 months since she left office and last had access to information.
7. The most significant risk in this case is the real and perceived risk Ms Cohen could use her network gained in office and influence to provide an unfair advantage to Rio Tinto. Rio Tinto is a significant stakeholder in decarbonisation as well as the Net Zero initiative. Further, it has previously been, and is currently under investigation by the UK government (currently, the Serious Fraud Office). As a former senior official at No.10, there are risks associated with Rio Tinto's potential influencing agenda.

#### The Committee's advice

8. There are a number of mitigating factors as outlined above in relation to her broad access to information as a senior adviser to the Prime Minister in Number 10. In particular, the changes in administration as well as the limited time the individual spent in government. As such the standard conditions below appropriately mitigate the remaining risks.
9. Ms Cohen confirmed there will be no contact with the government in this role, in line with the expectations set out in the Rules and she is subject to the lobbying ban. The Committee's advice is that she must also ensure she has no direct engagement with the government on behalf of Rio Tinto, as any contact would raise a reasonable concern of lobbying - particularly given the current investigations and its interest in government policy.

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<sup>1</sup> This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Lord Pickles; Mike Weir and Larry Whitty. Dr Susan Liautaud and Richard Thomas were unavailable

10. The remaining inherent risks associated with her access to information and influence gained from her time in office are appropriately mitigated by the remaining standard conditions below.
11. The Committee advises, under the government's Business Appointment Rules, that Ms Cohen role with **Rio Tinto** should be subject to the following conditions:
- she should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service;
  - for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government or its Arms' Length Bodies on behalf of Rio Tinto (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government to influence policy, secure business/funding or otherwise unfairly advantage Rio Tinto (including parent companies, subsidiaries, partners and clients);
  - for two years from her last day in Crown service she should not have any engagement on behalf of Rio Tinto (including parent companies, subsidiaries, partners and clients) with the UK government or its Arms' Length bodies; and
  - for two years from her last day in Crown service, she should not provide advice to Rio Tinto (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 its Arms' Length Bodies.
12. 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 an applicant's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
13. 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.
14. 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."

15. You must inform us as soon as Ms Cohen takes up employment with this organisation, or if it is announced that Ms Cohen will do so. Similarly the Committee must be informed if Ms Cohen proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application.
16. 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,

Hamzah Rizvi  
**Committee Secretariat**

## **Annex - Material Information**

### The role

1. Ms Cohen wishes to take up a paid role with Rio Tinto as Chief of Staff. Rio Tinto is a joint UK-Australia based mining company with headquarters in London and registration as a UK business on Companies House. It is one of the largest international mining corporations, undertaking activities in 32 countries, and across a wide range of industries and policy areas from Net Zero development, renewable technology and AI, to manufacturing and minerals.
2. Rio Tinto, has and is subject to UK government investigations and sits on the government's Critical Minerals Expert Committee. Investigations by the Serious Fraud Office (SFO) and the Financial Conduct Authority (FCA) into its business behaviours and practices include:
  - In July 2017, the SFO launched an inquiry into alleged fraud and corruption practices by the company in the Republic of Guinea. This inquiry has not yet concluded.
  - In 2017, Rio Tinto were fined £27m by the FCA for breaching disclosure rules.
  - More recently, in July 2021, it was announced that the FCA were investigating the company again in relation to similar breaches of disclosure rules.
3. Ms Cohen said that as Chief of Staff at Rio Tinto, her responsibilities will include:
  - Building a team that works closely with the CEO and functional experts to ensure the effectiveness of the CEO office.
  - Attending the majority of Executive Committee meetings.

- Maximising the effectiveness of the CEO by helping to balance priorities, communicate effectively and keep teams connected and informed.
- Board and Exco annual planning.
- Working across the business to manage the scheduling and participation required for key business events, planning and business reviews.
- Coordinating Board and ExCo papers, agendas and ExCo minutes and any action points.
- Dotted line responsibility for assistants in the London office to help coordinate their workloads.
- Working with the Head of Communication and Head of External Affairs to plan and execute the CEO's communications strategy.
- Helping to manage the CEO's external communications for customer, partner engagements and speaking engagements.
- Planning/driving internal communications
- Working with the Chief People Officer, to support the people and culture agenda.
- Set up a Chief of Staff networking offering team training and mentoring and day to day support to contribute to the ongoing development of business executives.
- Define, plan and implement cross-team process improvements and efficiencies across the network.

4. She said she will not have contact with UK government in this role.

#### Dealings in office

5. Ms Cohen advised the Committee that she did not meet with Rio Tinto during her time in government. She said she did not have any involvement in policy, regulatory or commercial decisions that would have been specific to the company, or the sector in which it operates.

#### Departmental assessment

6. The Cabinet Office confirmed the details Ms Cohen provided.

7. The Cabinet Office said that whilst Rio Tinto does not hold any contracts with the government, it is under investigation and is a significant stakeholder in decarbonisation and net zero. For example, the Cabinet Office confirmed Rio Tinto sits on the Critical Minerals Expert Committee<sup>2</sup> - which '*...aims to leverage the UK's extensive research expertise for the development of a Critical Minerals Strategy. It provides high quality, independent advice to the government on certain minerals and metals.*' The Cabinet Office said Rio Tinto had 'welcomed' the strategy that sits alongside this - the Critical Minerals Strategy launched in July 2022, and investment into the UK's first Magnet Refinery in East Yorkshire.

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<sup>2</sup> <https://www.gov.uk/government/news/business-secretary-opens-latest-meeting-of-the-critical-minerals-expert-committee>

The Cabinet Office also said the company is well placed to support the government to secure the minerals required for net zero; and that Rio Tinto increasingly operates in the net zero industry - a strategic priority of the government. The Cabinet Office also noted the ongoing investigations (with the SFO and the FCA) as above; and said that in 2014 it was reported that Rio Tinto had lobbied the UK Foreign Office to support the company in ongoing human rights abuse lawsuits at the US Supreme Court.

8. The Cabinet Office noted Ms Cohen was in a very senior position at No. 10 (briefly as Interim Chief of Staff, and formerly as the Director of PM's Office) and, as such, had access to a wide range of sensitive information. However, it is of the view it is 'highly unlikely' that Ms Cohen would have access to relevant sensitive information in this sector. It noted her role had provided her with access to information from an internal and organisational perspective, rather than making policy decisions or being involved in long-term policy announcements and development. Further, the Cabinet Office noted previously that during the time Ms Cohen was Chief of Staff, the leadership campaign was ongoing and the government was not developing new policies. The Cabinet Office said the risk associated with her access to information is limited given the Prime Minister has changed twice since she was in office.
9. The Cabinet Office noted the internal focus of this role, and recommended it be made subject to the standard conditions.