

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Theodore Agnew, former Minister of State at the Cabinet Office and His Majesty's Treasury - Minister for Efficiency and Transformation. Paid appointment with Markerstudy Group Holdings Limited (Markerstudy Group)

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) on taking up a role with the Markerstudy Group as an Independent Non-Executive Director.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer the Markerstudy Group. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, 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. You did not meet with the Markerstudy Group, nor did you make any decisions specific to the company whilst in ministerial office. Whilst your ministerial role did span across the Cabinet Office and HM Treasury (HMT), there is no direct overlap here with your portfolio which did not include insurance. The risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.

6. As a former minister within HMT, you may have access to general sensitive information which could benefit a range of organisations, including the Markerstudy Group. The risks are significantly limited given:
 - a. your portfolio at HMT did not cover insurance policy and was internal facing, focused on improving government efficiency and governance;
 - b. HMT confirmed insurance policy discussions have altered significantly since your time in office, including the publication of major policy positions such as Solvency II¹; and
 - c. over 12 months have passed since you left your ministerial position.
7. As a former minister, there are inherent risks associated with your contacts and influence within government. Though the Committee noted your role does not involve contact with government

The Committee's advice

8. The Committee² noted your career in the insurance sector prior to joining government. It determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear you cannot make use of any privileged access to information, contacts or influence gained from your time in ministerial office to the unfair advantage of the Markerstudy Group.
9. The Committee advises, under the government's Business Appointment Rules, that your role with **Markerstudy Group Holdings Limited** should be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial service;
 - for two years from your last day in ministerial service, you should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of Markerstudy Group Holdings Limited (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Markerstudy Group Holdings Limited (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in ministerial office, you should not provide advice to Markerstudy Group Holdings Limited (including parent companies, subsidiaries, partners) 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.

¹ <https://www.gov.uk/government/news/solvency-ii>

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

10. The advice and the conditions under the government's Business Appointment Rules relate to your previous roles 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.
11. 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.
12. 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*'.
13. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so, and we will publish this letter on our website. You must inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application. Where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Annex - Material Information

The role

1. You said Markerstudy Group Holdings Limited (the Markerstudy Group) is a UK registered, unregulated holding company whose main activity is the distribution and administration of general insurance contracts and related services. You stated underneath this holding company are a number of regulated insurance distribution businesses.
2. You said the main subsidiary company is Markerstudy Insurance Services Ltd, but there are smaller subsidiaries also connected to insurance activities. You stated that the names of the principle subsidiaries of Markerstudy Group Holdings Ltd are:
 - Markerstudy Insurance Services Ltd

- West Bay Insurance
 - BISL Ltd (Budget Insurance Services Ltd)
 - Auto Windscreens Services
 - Vision Track
 - Vision Vehicle Solutions
3. You seek to join the company in a a paid, part–time role as Independent Non-Executive Director, with responsibilities including board level challenges of governance, audit & risk; and overseeing the regulated subsidiary businesses of the Markerstudy Group - to ensure that the governance is satisfactory and that the businesses are being run in an effective manner. You stated you will not have contact with government in this role.
 4. You said it was a return to a former career, noting your expertise gained in UK general insurance having run an insurance business - a Lloyd’s Managing Agency (Jubilee Insurance). This included some classes of insurance that the Markerstudy Group provides. Prior to that, you founded and ran a BPO (business process outsourcing) business specialising in the insurance sector- WNS Services Ltd.

Dealings in office

5. You advised the Committee that you did not meet with the Markerstudy Group whilst in office. Further, you said you did not have any involvement in any policy development or decisions that would have been specific to the Markerstudy Group; had no relevant commercial or contractual responsibilities; nor access to sensitive information.

Departmental Assessment

6. The Cabinet Office & HMT confirmed:
 - a. you did not meet with, nor did you make any decisions specific to the Markerstudy Group;
 - b. your function was focused on internal government reform; and
 - c. your portfolio did not cover insurance sector policy.
7. The departments confirmed you would have had access to a general range of sensitive information, but nothing specifically relevant to Markerstudy Group. HMT confirmed you did not have access to sensitive information & noted it has been over a year since you had left office. HMT noted that insurance policy discussions have altered significantly since you had left office (in January 2022), including the publication of major policy positions such as Solvency II (though Lord Agnew had no direct role or involvement in such policy development).
8. The departments recommended the standard conditions.