

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice on taking up an appointment with Esharelife Limited.

The Committee's remit

As you will be aware, it is the Committee's role to advise on any 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.

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.

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

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Appointment details

You sought the Committee's advice on taking up an appointment as a Non-executive Director at Esharelife Limited (Esharelife), described on its website as a 'charitable foundation'. Esharelife's purpose is to aid the most disadvantaged parts of the world by supporting social, cultural, educational and humanitarian projects.

You said you would promote Esharelife's charitable work. This is a paid appointment; the time commitment involved is estimated to be 1-2 days per month. You said you do not expect to have contact with Government in this role.

You confirmed you had no dealings with Esharelife while in ministerial office and said you had no previous involvement in overseas charitable enterprises at all.

The Department for Transport was consulted and advised the Committee that your appointment raises no issues of concern from the Department's perspective.

Committee's consideration

When considering this application the Committee¹ took in account that this appointment has no connection with your last ministerial role at the Department for Transport. It particularly noted you had no prior dealings with Esharelife. It is aware of no objective reason why it might be perceived that your appointment is a reward for decisions or actions in office.

The Committee noted you do not expect to have contact with Government in this role and that, as far as you know, Esharelife is not in receipt of funding from Government. It assessed it is unlikely you are aware of any relevant privileged information that might unfairly assist Esharelife given your role and responsibilities in office. The Committee therefore concluded the risk that Esharelife could gain an unfair advantage as a result of your time as a Minister is low. To mitigate any residual risks that may remain the Committee has imposed the extended lobbying condition below which would preclude making use of your contacts in Government to secure funding for Esharelife.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment 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 office; and
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Esharelife Limited, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure funding on its behalf.

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

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Baroness Helen Liddell; Terence Jagger; Dr Susan Liataud and John Wood. Richard Thomas was unavailable.

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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.

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."

The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Commons.

I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. 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 Rules and the Ministerial Code.

Please also 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.

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.

The Baroness Browning

The Rt Hon John Hayes CBE MP

