

*From the Chair*



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

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

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

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

January 2020

1. You approached the Committee about taking up an appointment as an Ambassador at Juvenile Diabetes Research Foundation.

The Committee's role and remit

2. 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.
3. 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.
4. 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.

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

#### Appointment Details

6. You wish to take up an unpaid, part-time role with Juvenile Diabetes Research Foundation (JDRF), as an Ambassador. The website states the charity funds type 1 diabetes research to improve lives and aims to eradicate the condition for good. As an Ambassador you state your activities will involve attending fundraising events and making speeches for the charity.

7. You confirmed you do not expect to have contact with the Government in this role; that you hold no sensitive information related to JDRF or its competitors and that you were not involved in any specific policy decisions or developments that could have affected JDRF alone.

8. You did state that during your time as Prime Minister you did have dealings with JDRF similar to that of other charities (including Diabetes UK), specifically you hosted JDRF alongside other diabetes charities at a reception in 10 Downing Street. You also attended multiple fundraising events for JDRF including its Sugarplum Dinner. You further confirmed you had similar dealings with Diabetes UK, which is a charity operating in a similar area to JDRF, noting these organisations are collaborators rather than competitors.

9. The Cabinet Office confirmed you did not have any specific involvement in policy decisions or developments; that you do not hold any sensitive information that could be seen to provide an unfair advantage to JDRF.

10. The Cabinet Office confirmed the detail of your application, it also noted the reception at 10 Downing Street included a mixture of diabetes charities, researchers, nurses, clinicians and exhibitors of products / services related to diabetes treatment. The Department said Diabetes UK are not considered as competitors, as Diabetes UK focuses on helping people with type 2 diabetes whereas JDRF focuses on those with type 1 diabetes.

11. The Cabinet Office confirmed it has no concerns about you taking up this appointment with JDRF, and it has no contractual or non-contractual relationship with JDRF.

#### The Committee's consideration

12. When considering your application, the Committee<sup>1</sup> considered whether this appointment could be perceived as a reward for decisions taken in office. You confirmed that in your previous role as Prime Minister you did meet with JDRF. However, this was at a

---

<sup>1</sup> Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. Dr Susan Liataud was unavailable.

reception attended by several other charities and organisations and falls within the normal scope of stakeholder engagement responsibilities for the Prime Minister. The Cabinet Office confirmed your official dealings were not related to funding or policy decisions and as such, the Committee did not consider it could reasonably be perceived you were offered this unpaid ambassadorial role as a reward for decisions made or actions taken in office.

13. The Committee also noted that while you were not directly involved in policy development there are generic risks under the Government's Business Appointment Rules in relation to your former role as Prime Minister. By virtue of your previous role you could be perceived to offer an unfair advantage to JDRF given your access to information that may be of interest and relevance to JDRF. However, this is somewhat mitigated as your former department stated that you did not have access to sensitive information that could give an unfair advantage to JDRF. Further, the amount of time that has passed since you were in office (5 months) helps mitigate this risk further. Any remaining risk will be sufficiently mitigated by the conditions attached to all former ministers which prevents you from drawing on privileged information from your time in office.

14. The Committee noted that JDRF will benefit from your involvement, given your profile. There is a possible risk of unfair advantage in relation to access to the contacts you gained while in office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of JDRF. The Committee would also like to draw your attention to the ban on providing advice on a bid or contract relating directly to the work of the UK Government, including with regard to funding, to mitigate the risk you may offer an unfair influence in the Government's funding decisions in the future.

15. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with Juvenile Diabetes Research Foundation be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in 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 Juvenile Diabetes Research Foundation (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit Juvenile Diabetes Research Foundation (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise Juvenile Diabetes Research Foundation or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government.

16. 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.

17. 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.*"

18. 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; and 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.

19. 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.

20. 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.

21. 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 Theresa May MP