



**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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1. You approached the Committee seeking advice on taking up an appointment with Soak & Sleep as a Board Representative.

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:
  - 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
  - an employer could make improper use of official information to which a former Minister has had access; or
  - 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 judgment on whether an appointment is appropriate or suitable in any other regard.

The application

5. You seek to join Soak & Sleep as a Board Representative. This is an unpaid role, involving 1 day of work per month.
6. You informed the Committee you had no official contact with Soak & Sleep, contractual or otherwise; made no decisions involving Soak & Sleep and did not have access to commercial information regarding its competitors.

## *From the Chair*

7. The Foreign and Commonwealth Office and The Department for Health and Social Care Permanent Secretaries were contacted regarding this application. The Committee was informed that:
  - you had no official dealings with Soak & Sleep;
  - there is no known contractual or non-contractual relationship between Soak & Sleep and the departments; and
  - you had no access to commercially sensitive information on Soak & Sleep competitors.
8. Neither department had any concerns about you taking up this role.

### The Committee's consideration

9. The Committee<sup>1</sup> took into account that you and the departments confirmed you did not meet with, make any policy nor any contractual or commercial decisions regarding Soak & Sleep while in office. Therefore, it considered the risk you were offered the role for decisions made in office is low.
10. When considering your application, the Committee noted that while this role is unrelated to your time in office, due to your time as a Minister there are inherent risks you would have developed contacts, and incurred wider general information of a privileged nature which may be perceived to provide any business with an unfair advantage. However, former Ministers are prevented from using such information and the Committee would draw your attention to the conditions below which mitigate the inherent risks in this case.
11. Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with Soak & Sleep be subject to the following conditions:
  - 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; 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 Soak & Sleep (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Soak & Sleep (including parent companies, subsidiaries, partners and clients).
12. 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 or otherwise.
13. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister *"should not engage in communication with*

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Dr Susan Liautaud; Mike Weir; Lord Larry Whitty and John Wood. Richard Thomas was unavailable.

*From the Chair*

*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."*

14. 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, 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 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.
15. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant annual report.

The Baroness Browning

Rt Hon Jeremy Hunt MP