



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee seeking advice on taking up a role with Darwin Alternative Investment Management Limited as strategic advisor, under your independent consultancy.

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 sought the Committee's advice on taking up a paid role, with Darwin Alternative Investment Management Limited (Darwin) as a strategic advisor. The website states it is an investment company providing innovative ideas for long term investors. It provides a number of alternative solutions, including the Darwin Leisure Property Fund and Darwin Leisure Bereavement Fund.

6. You informed the Committee as a Strategic Advisor your role will be '*to give strategic, commercial, financial, regulatory and political advice to the board of Darwin*'. You said your role will not include contact with government.
7. You also informed the Committee you neither met, nor made any commercial or contractual decisions with or on Darwin in office. Nor did you have any involvement in policy development or decisions. You also said you did not meet with competitors, nor did you have access to sensitive information on these competitors.
8. The Department for Health and Social Care (DHSC) were contacted regarding your application. DHSC confirmed the details you gave in your application - that you did not meet with, make any decisions regarding, or have access to information on Darwin. It stated no concerns regarding you taking up this appointment.

The Committee's consideration

9. The Committee¹ noted that this appointment is consistent with the description of your consultancy which you described as providing advice in the following areas in which you have expertise in: commercial; financial; regulatory; political; infrastructure; healthcare; and economic.
10. The Committee noted that both you and DHSC confirmed you made no decisions regarding Darwin while in office. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.
11. The Committee noted that whilst you had no involvement with Darwin or competitors while in office, there are inherent risks associated with your time as Minister that could be seen to provide Darwin with an unfair advantage. Due to your seniority, it is likely you would have gained contacts and broad information that would be relevant to any organisation. As such, the Committee would draw your attention to the conditions below, which prevent you from using privileged information, using contacts made to lobby the Government and advising on a bid or contract in relation to the Government, sufficiently mitigating the risks in this case.
12. In accordance with the Government's Business Appointment Rules, the Committee advises your role with **Darwin Alternative Investment Management Limited** be subject to the same conditions as your independent consultancy:
 - 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;
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of those you advise under your independent consultancy (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 those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liautaud; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. The Rt Hon Lord Pickles was recused.

- for two years from your last day in office you should not provide advice to any company or organisation 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; and
 - for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.
13. 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.
 14. 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.
 15. 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.*"
 16. 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. 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.
 17. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant next annual report.

The Rt Hon Lord Pickles

Stephen Hammond MP