



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee about taking up an appointment as a Consultant for EY.

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. EY is a multinational professional services network with headquarters in London, England. It is one of the largest professional services networks in the world.

7. You wish to take up a paid, part-time role with EY, as a Consultant. You stated you would be joining a newly formed steering committee to formulate advice and ideas for EY to use themselves and to help inform clients about meeting the energy transition. You elaborated that, ahead of COP26 in Glasgow this year the organisation would like to give advice about reducing the carbon footprint of companies and their functions. You confirmed you do not expect to have contact with the Government in this role.

8. With regard to your time in office, you confirmed that during the last two years at the Department for Work and Pensions (DWP), you did not meet with EY; you hold no sensitive information related to EY or its competitors and that you were not involved in any specific policy decisions or developments that could have affected EY.

9. DWP confirmed the above. DWP confirmed to the Committee that it does not currently have a contractual relationship with EY, though it has contracted with them in the past. The only contact it noted between yourself and EY was at the Centre for European Reform Birthday Party that you attended, which EY had one representative present out of around 150 attendees. It did not have any concerns with regards to your access to sensitive information, nor with your role in contracts or regulations affecting this organisation.

The Committee's consideration

10. When considering your application, the Committee considered whether this appointment could be perceived as a reward for decisions taken in office. The Committee noted that you were not involved in funding or policy decisions that affected EY and the very limited and routine contact with the company whilst in office. As such, the Committee did not consider it could reasonably be perceived you were offered this paid role as a reward for decisions made or actions taken in office.

11. The Committee noted that as EY has a broad area of operations there could be sensitive information which you may have access to which would unfairly benefit the organisation. The Committee gave weight to the Department's confirmation of no concerns in this area and noted that over 17 months have now passed since you held office as Secretary of State at DWP. Any perceived risk will be sufficiently mitigated by the conditions attached to all former ministers which prevent the use of privileged information gained in office.

12. However, the Committee noted there may be potential risks associated with the unknown nature of EY's clients. Specifically, should they be a company or organisation you or DWP had a commercial relationship with or where you had some influence in respect of their work whilst in post. Therefore, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising EY'S clients where it involves working on matters you had involvement with in office.

13. The Committee also noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts to the unfair advantage of EY. 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 to mitigate the risk you may offer an unfair influence in the Government's contracting decisions in the future.

14. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **EY** 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 EY (including parent companies, clients, 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 EY (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in office you should not advise EY 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; and
- for two years from your last day in ministerial office, you should not advise EY or its clients on work with regard to any policy you had specific involvement or responsibility for as Secretary of State at the DWP, or where you had a relationship with the relevant client during your time as Secretary of State at the DWP.

15. 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.

16. 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.”*

17. 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.

18. 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.

19. 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.

20. 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 Rt Hon Lord Pickles

The Rt Hon Amber Rudd