



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about a new appointment as an Adviser at Digital Theatre Plus (Digital Theatre).

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.

Appointment details

You stated that your role as an Adviser at Digital Theatre will be paid and part-time. You will work with the company to build relationships with theatre producers, and whilst it expands, help to build its repertoire, for example ballet or museum exhibitions.

Digital Theatre records theatre plays and supporting materials such as behind the scenes clips and interviews, and then distributes them online to schools, colleges, universities and

other consumers around the world. It aims to increase students engagement for performance; save time when searching for learning resources; and develop students' skills to help with employability in the sector.

You stated that you had previously met with Digital Theatre to discuss the organisation's work. You also confirmed that you have no sensitive information about Digital Theatre or its competitors; had no official dealings with the organisation's competitors during your time in office; are not aware of any Government contract with Digital Theatre; and do not expect to have contact with Government as part of your role.

Your ministerial role spanned DCMS and BIS, whose policy responsibilities in this area have now been subsumed by the Department for Business, Energy and Industrial Strategy (BEIS). A view was sought on this application from both Departments.

BEIS confirmed it is not aware of any ministerial contact with Digital Theatre while you were a minister in BIS/Department for Energy and Climate Change/BEIS; that it has no relationship with Digital Theatre; and that it does not believe you have any commercially sensitive information that could give Digital Theatre an unfair advantage.

DCMS confirmed it has no relationship with Digital Theatre and that you had previous contact with the organisation in 2016, to discuss its work, as well as a previous meeting with Digital Theatre's parent company in 2015 in connection with the GREAT Campaign and broad discussions about collaboration opportunities with the tech sector. It also confirmed that you have no commercially sensitive information or knowledge about unannounced government policy. In addition, DCMS noted that Digital Theatre has recently contacted the Department with regard to the Government's newly launched Digital Culture Project.

Neither department has any concerns about you taking up this role.

The Committee's consideration

The Committee noted you had previous contact with Digital Theatre, and its parent company, Big Clever Learning, to discuss the work of the organisations. However, these discussions were general in nature and there is no evidence to suggest that Digital Theatre benefited as a result. Further, both departments confirmed they have no relationship with the organisation. As such, it does not seem it could be reasonably be perceived you were offered this role as a reward for decisions made whilst in office.

DCMS and BEIS confirmed you had no access to sensitive information. Further, the passage of time also reduces any risk that might be associated with the information you had access to in office (it is now approximately 13 months since you left office).

However, as the organisation has been in contact with DCMS to discuss the Digital Culture Project, the Committee recognises the potential for Digital Theatre to be seen to benefit from contacts you gained whilst in Government. Whilst you confirmed you do not expect to have contact with Government within your role the Committee has imposed a condition which prevents you from involvement in the discussions Digital Theatre expects to have with Government on the Digital Culture Project. Further, the lobbying ban makes clear that any use of contacts to influence policy or to secure any future funding, would be inappropriate.

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 as a Minister;
- you should not involve yourself in any future discussions or dealings Digital Theatre Plus has with Government, including its potential contact with DCMS about the Digital Culture Project; and
- for two years from your last day in service, you should not become personally involved in lobbying the UK Government on behalf of Digital Theatre Plus, its parent company, entities, or partners, or make use, directly or indirectly, of your contacts in Government to influence policy or secure funding on behalf of Digital Theatre Plus, its parent company, entities, or partners.

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.

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."

I should be grateful if you would inform us as soon as you take up employment with Digital Theatre Plus, 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 include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

The Right Honorable Ed Vaizey MP

