



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with Avanti Communications Group.

The Committee's remit

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 are seeking to take up a role as a part-time Adviser at Avanti Communications Group (Avanti). Avanti is a provider of satellite data communications services in Europe, Africa and the Middle East. It has an already established corporate social responsibility programme organised as a public-private partnership between the company and the European Space Agency. Its goal is to connect rural schools in sub-Saharan Africa via satellite broadband thereby improving the quality of education in developing nations.

You told the Committee this is paid role and you will be advising on how to more effectively approach sub-Saharan organisations, like power utilities and school departments, in order to speed up connections and support socio-economic development.

You stated that you had no previous official dealings with Avanti or its competitors whilst you were in office and that you have no commercially sensitive information about its competitors. You also explained to the Committee you are aware of a relationship between Avanti and Government with regard to its corporate social responsibility programme.

You noted this appointment is unlikely to include any contact with Government.

The Department for International Development (DfID) confirmed that Avanti is involved in several Government projects. It also confirmed you had responsibility for both the digital and education policy areas whilst you were a Minister at DfID. However, whilst Avanti operates in these areas, the Department confirmed you had no official dealings with Avanti. The Department also confirmed you have no commercially sensitive information that could provide the company with an unfair advantage. It concluded it has no concerns about you taking up his appointment.

As Avanti is involved in projects across Government, the Committee sought Cabinet Office's views. It confirmed that there was a relationship between Avanti and Government but did not consider there was any further relevant information the Committee should be aware of and raised no concerns about this application.

The Committee's consideration

The Committee recognises the closeness of Avanti's work to your responsibilities as Minister at DfID when you were in office (both the digital and girls education policy areas). In addition, Avanti has ongoing working relationships with several government departments. This type of closeness to a role in Government has the potential to give rise to perceptions around the possibility of reward for actions taken whilst in office. However, DfID confirmed that although you had overall responsibility for some of the policy areas in which Avanti operates, you had no official dealings with Avanti whilst you were a Minister, and, the company's relationships with Government are wider than your former remit. The Committee considers that there is no evidence of any direct conflict here and considers that the time that has passed since you left office (23 months) is a sufficient gap given the specific circumstances of this case.

The Department confirmed that you have no commercially sensitive information which could benefit Avanti. The Committee also took into account that relevant information from your time in office will likely have moved on since you left Ministerial office (given the number of months that has passed).

However, given that you had Ministerial responsibility in an area in which Avanti operates, and that Avanti has ongoing relationships with Government (some involving funding), the Committee considered there is a risk you could be seen to offer Avanti an unfair advantage as a result of the contacts you have gained during your time in office. It considers the conditions below appropriately mitigate any risk here.

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;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Avanti Communications Group, or its partners or clients. You should not make use, directly or indirectly, of your contacts in Government to influence policy or secure business on behalf of Avanti Communications Group, or its partners or clients; and
- for two years from your last day in Ministerial office, you should not undertake any work on behalf of Avanti Communications Group, or its partners or clients, that involved the subject matter, or terms of, a bid or contract relating directly to the work of the UK Government.

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 this organisation, 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 Rt Hon Grant Shapps MP