

From the Chair



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 Clear Returns having left Government in May 2015.

At Clear Returns you would act as a Non-Executive Director on the board with the aim of providing strategic leadership and direction for the business, with a specific focus on PR & marketing and the proposed start date for this role is September 2015 with a time commitment of around two days a month on average. The role is currently expenses only, with a view to it being remunerated once the business secures further investment, possibly in the course of the next 6 months.

When considering your application, the Committee took into account that you had no previous dealings with Clear Returns. The Committee noted that you were not aware of any relationship between your former department and Clear Returns. The Committee did note that there is a link between IBM and Clear Returns and that as a Minister, you had a relationship management role with IBM. The Committee further noted that Innovate UK, which is a BIS sponsored NDPB, awarded Clear Returns a grant of £220,000 and that decision was made independently of ministers. Your former departments, DCMS and BIS, have no propriety concerns concerning this appointment.

They also noted that you have applied for this advertised role and do not believe it could be perceived as a reward for your previous work in office.

Taking into account all the circumstances, the Committee sees no reason why you should not take up this appointment, subject to the following conditions

- That you should not draw on [disclose or use for the benefit of yourself or the organisation to which this advice refers] any privileged information available to you as a minister from your time in Government
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Clear Returns, partners or clients.

By 'privileged information' we mean official information to which a minister 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.

Also, It might be helpful if I add that the Business Appointment Rules explain that the restriction on lobbying means that former Ministers "should not engage in communication with Government – including Ministers, special advisers and officials – with a view to influencing a Government decision or policy [including applications for awards or grants] in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted".

I should be grateful if you would inform us as soon as you take up the commission, 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 which 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 Clear Returns as, depending on the circumstances, it may be necessary for you to seek fresh advice.

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.

Baroness Browning

Jo Swinson

Members:

Mark Addison, Sir Alex Allan KCB, Baroness Browning (Chair), Lord German OBE, Mary Jo Jacobi, Terence Jagger CBE,
Rt Hon Baroness Liddell of Coatdyke, John Wood