



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: MICHAEL HEARTY

The Committee has been asked to consider an application from Michael Hearty, former Director General for Finance and Corporate Services in the Welsh Government. He has sought advice about becoming: an Independent Adviser to the Audit Committee of Public Health England; a Non Executive Director and Chair of the Audit Committee of Blackpool Teaching Hospitals NHS Foundation Trust; and an independent consultant. As an independent consultant, Mr Hearty would supply consultancy services in coaching, transformational change and interim senior executive roles to both the public and private sectors. He would also like to accept a commission with Accelerus, a company providing change management services to public and private sector organisations.

Mr Hearty was Director General for Finance and Corporate Services in the Welsh Government from July 2014 until September 2015; prior to this he was Director General for Strategic Planning, Finance and Performance from August 2010 until July 2014.

When considering these applications the Committee took into account the fact that Mr Hearty had not had any official dealings with the three organisations he would be joining, and that none of the roles would involve dealings with the Welsh Government. The Committee further noted that health is a devolved matter and that Mr Hearty's two new roles in this field are based in England, so they have no relationship with the Welsh Government.

The Committee noted that the Welsh Government had no concerns about any of these appointments.

The Committee's advice to the First Minister is that it can see no reason why Mr Hearty should not take up these roles, and establish an independent consultancy, subject to the following conditions:

- He should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- For two years from his last day in service, he should not become personally involved in lobbying the Welsh Government on behalf of Public Health England, Blackpool Teaching Hospitals NHS Foundation Trust, Accelerus or on behalf of any of his clients or those he advises;

- For 12 months from his last day of service he should not undertake any work as a consultant which involves providing advice to any company or organisation on the terms of a bid or contract relating directly to the work of the Welsh Government; and
- For two years from his last day of service, before accepting any new commission he should make a case directly to the Committee to confirm that each individual commission he wishes to undertake would be permissible under the approved terms of the consultancy. (If, after enquiry, the Committee takes the view that a commission is, or may be, outside the terms of the consultancy he will be expected to submit a fresh application).

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 "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 would be grateful if you would let us know whether the First Minister is content to approve the applications in line with the Committee's recommendation, and copy us into the final decision. I should also be grateful if you would ensure that we are informed as soon as Mr Hearty takes up any of these roles, or if it is announced that he will do so (I enclose a form for this purpose). 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 Mr Hearty complied with the rules.

Once these appointments have been taken up or announced we will publish this letter on the Advisory Committee's website and include the main details, together with the Committee's advice, in both the regularly updated consolidated list on the website and in the next annual report.

Yours sincerely

Catherine Millington
Committee Secretariat