



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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16 September 2016

BUSINESS APPOINTMENT APPLICATION: AIR MARSHAL GREGORY BAGWELL

The Committee has been asked to consider an application from Air Marshal Gregory Bagwell, former Deputy Commander Operations, Air Command, who would like to set up an independent consultancy.

Air Marshal Bagwell was Deputy Commander Operations from April 2013 until May 2016. He was the head of RAF operational output and safety. His last day in post was 27 May 2016 before commencing accrued and terminal leave and he will retire from Crown service on 30 September 2016.

Air Marshal Bagwell would also like to establish a general aerospace related consultancy.

When considering this application, the Committee noted that Air Marshal Bagwell had spent his RAF career in operations and had never been involved in procurement. Although he had personal views on RAF requirements as a user he had never had any involvement in, or had knowledge about, detailed plans on procurement. They noted that his plans as a consultant were to assist companies with delivering current contracts, and provide horizon scanning about issues and risks for the future, based on his personal views rather than having knowledge of planned RAF requirements. He would not be involved in negotiating contracts themselves.

The Committee took into account the fact that the Countersigning Officer, Commercial Head and MOD panel raised no concerns about the new role, or the general aerospace consultancy, subject to conditions on lobbying and advising on bids or contracts relating to the MOD.

The Committee noted that he had never been involved in contractual dealings or procurement, that he had provided full disclosure about his work in the RAF and future work, and that the MOD raised no concerns. However, although they were clear about these facts they felt that there was still a perception risk with him establishing an aerospace consultancy immediately after leaving Crown service, and that a waiting period should therefore apply. Given the time elapsed between last day in post and last day of Crown service, the Committee thought it appropriate for the waiting period to run from last day in post in this case.

The Secretary of State for Defence accepted the Committee's advice that a general aerospace consultancy should be subject to the following conditions:

- A waiting period of six months from his last day in post (i.e. until 27 November 2016);
- That 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 Crown service, he should not become personally involved in lobbying the UK Government on behalf of any of his clients or those he advises, nor should he make use, directly or indirectly, of his Government and/or Crown service contacts to influence policy or secure business on behalf of his clients;
- 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 MOD or its trading funds; 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 consistent under the 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 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 - 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 ensure that we are informed as soon as Air Marshal Bagwell takes up the appointment and commissions, 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 or commissions which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.

I should also be grateful if you would ask that Air Marshal Bagwell informs us if he proposes to extend or otherwise change the nature of his roles as, depending on the circumstances, it may be necessary for him to make a fresh application.

Once the appointment and commissions have 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.

Yours sincerely

Catherine Millington
Committee Secretariat