



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

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You asked for the Committee's advice about taking up an appointment as a Senior Adviser to the Faraday Institution.

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.

The Faraday Institution

Appointment details

You told the Committee that the Faraday Institution (the Institution) is a new body that is being established to coordinate the research and development of battery technologies in the UK. You would become a Senior Adviser to the Institution. Your involvement is likely to involve one day per month and your understanding is that the role is likely to be paid.

The Institution is being funded by the UK Government via the Engineering and Physical Sciences Research Council (EPSRC) and will be formed by a consortium of UK universities.

You explained to the Committee that the project is clearly allied to the efforts you made as a Minister to encourage the development of battery manufacture in the UK. As Senior Adviser, you would be required to offer advice to the Board of the Institution on its strategies and methods, in order to help ensure that it can fulfil its aim of promoting a coordinated approach to the development and manufacture of batteries in the UK.

You said that the role is not likely to include any contact or dealings with Government.

John Manzoni, Permanent Secretary of the Cabinet Office was consulted about this appointment and raised no concerns from his Department's perspective.

We also approached the Department for Business, Energy and Industrial Strategy (BEIS) for advice. They advised that the process followed, in considering the proposal for a new research institution as a focal point for work on battery technology was open and inclusive and all relevant UK research groups were involved.

BEIS also confirmed that to the best of their knowledge you did not have any direct involvement in the Industrial Strategy Challenge Fund, or in the awarding of funds to establish the Institution. BEIS said their view is that it would be in the public interest for you to take up this role, given your experience in this area and understanding of the policy objectives at BEIS.

The Committee's consideration

When considering this application the Committee noted that the Institution has been set up to deliver a Government aim - to help develop the UK as a world leader in the design, development and manufacture of electric batteries. The funding for the Institution is part of a £246 million government investment in battery technology, announced by Business Secretary, Greg Clark, in July this year.

The Committee took into account that you were involved in this area of policy while in Government. It observed that often a connection between a former Minister's responsibilities in office and a proposed role outside Government can raise concerns under the Business Appointment Rules. However, this is a case where that connection would appear to be of benefit to the delivery of the Government's objectives and the Committee has placed weight on the view of BEIS that it would be in the public interest for you to take up this position.

Under the Business Appointment Rules the Committee must consider whether there is the potential for an organisation to be awarded an unfair advantage through employing a former Minister. Given the nature of the organisation you will be working for and its purpose, the Committee does not consider that this risk arises in this case.

Importantly, the appointment cannot reasonably be seen as a reward for decisions made while in office given that over 14 months have passed since you left Government; the successful consortium for the Institution was only announced earlier this month; and you were not responsible for the funding that led to the Institution.

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 the Faraday Institution.

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

Rt Hon Sir Oliver Letwin MP

