



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: DR WILL CAVENDISH CBE

The Committee has been asked to consider an application from Dr Will Cavendish, former DG for Innovation, Growth and Technology and Executive Committee member at the Department of Health (DH). Dr Cavendish was seconded to the Cabinet Office from February to September 2016, initially to lead a review for the Cabinet Secretary on High Speed Rail 2 (HS2).

His last day in the Civil Service was 12 September 2016.

Appointment details

Dr Cavendish proposes to take up the position of Director, Cities Advisory, at Arup, a global built environment and engineering consultancy. This is a full-time, paid position. His responsibilities would include: digital transformation of urban services; developing Arup's narrative on the 4th industrial revolution, its potential impacts/ opportunities and how to deal with them and building partnering relationships with new collaborators.

Dr Cavendish has said that it is possible that there would be a limited amount of contact with Government departments, such as the Department for Business, Energy and Industrial Strategy (BEIS), the Department for Transport (DfT) and the Department for Communities and Local Government (DCLG). He noted that if any contact is needed, it is likely to be to describe and explain the work of Arup; and where invited by Government, contribute to formal and informal sessions to brainstorm and shape government thinking in the areas of the built environment and digital transformation.

Dr Cavendish confirmed that he had no official contact with Arup during his time in office, contractual or otherwise; no contact with any competitors; and no access to commercially sensitive information.

Dr Cavendish explained that he was not aware of Arup's involvement in the HS2 project when he was leading the HS2 Review. He said the Review was focussed primarily on examining and benchmarking the high level costs of both the HS2 project and its primary components (eg line build, tunnels, stations, rolling stock etc). It did not review the commercial arrangements being used by HS2 to contract with various companies.

Dr Cavendish has given an undertaking that he will not become involved in HS2-related issues at Arup whilst he is subject to the Business Appointment Rules.

Sir Chris Wormald, Permanent Secretary at DH has considered this application. The DG of the HS2 programme in DfT was also consulted.

From a DH perspective the department has no dealings with Arup therefore DH can see no reason to object to the appointment. Sir Chris noted that Dr Cavendish would need to be careful that none of his actions would lead to the impression of lobbying Government.

DfT has stated in consideration of this appointment that:

- The risk of real or perceived conflict seems limited, given the subject matter of his role, but might occur.
- DfT would want to ensure that Dr Cavendish would not be involved in lobbying Government departments about HS2-related issues for a period from the end of his involvement in the HS2 review (in 2016) and to require him to tell the Department if he proposes to get involved in any work relating to HS2 for a period of two years following his resignation.
- He should not use any information he received in the course of the Review for any other purposes.

Committee's consideration

The Committee observed that the main risks with this appointment are associated with Dr Cavendish's secondment to the Cabinet Office directly before he left Crown service in September 2016, where he led an internal review of HS2.

Given HS2 Ltd has awarded contracts to Arup, and in view of Dr Cavendish's involvement in the internal review of HS2, there is a risk that on the surface this appointment could be perceived as a reward for decisions made in office. However, the information that Dr Cavendish has provided about the nature of the Review makes clear there was no link between his role in the Review and any commercial arrangements being used by HS2 Ltd to contract with various companies.

There is a possibility that Dr Cavendish's time working on the Review might confer an unfair advantage on Arup. In that respect DfT has been clear that it would want to ensure he would not be involved in lobbying Government departments about HS2-related issues or make use of any information he received in the course of the Review. The Committee has imposed a condition that precludes his involvement in any work relating to HS2 for two years from his last day in Crown service. The Committee also notes the undertaking Dr Cavendish has given to this effect.

Dr Cavendish has said that he may have some limited contact with Government in this role. The Committee considers that if Dr Cavendish were invited by Government to attend meetings to discuss issues such as urban strategy or the opportunity of Artificial Intelligence, it would not be inappropriate for him to attend. However, as noted by the Permanent Secretary for DH, he would need to ensure that none of his actions could be considered as lobbying Government.

When considering this application the Committee also took into account that 16 months have passed since Dr Cavendish left office, which puts a significant gap between his involvement in the Review and his taking up this role with Arup.

The Prime Minister accepted the Committee's advice that this appointment be subject to the following conditions:

- He should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) privileged information available to him from his time in Crown service;
- For two years from his last day in service he should not be involved in any work relating to HS2 or provide any information or advice to Arup in relation to any aspect of HS2.

- For two years from his last day in service, he should not become personally involved in lobbying the UK Government on behalf of Arup or its subsidiaries or clients. This would not prevent him from contributing to Government discussions on the built environment and digital transformation where invited to do so by Government. However, he may not make use, directly or indirectly, of his contacts in Government and/or Crown service to influence policy or secure business on behalf of Arup or its subsidiaries or clients.

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 ensure that we are informed as soon as Dr Cavendish takes up this position, 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, 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 Dr Cavendish informs us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him 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.

Yours sincerely

Nicola Richardson
Committee Secretariat

