



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 Assured Food Standards Ltd.

The Committee's remit

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.

Chairman at Assured Food Standards Ltd - Red Tractor Assurance Scheme (AFS)

Appointment details

AFS is an independent, not-for-profit organisation, which aims to promote assurance on behalf of the food industry. As a farm and food standard scheme, it covers animal welfare, food safety, traceability and environmental protection.

You stated that your role as Chairman will be paid and part-time. You described your main responsibilities as:

- to assist Directors and the Senior Management Team (SMT) to develop strategic plans and policies for the organisation;
- to chair the Ownership Body and Board to ensure open and balanced discussion;
- to chair the Nominations Committee and maintain an effective Board of Directors;
- to attend meetings of other Board Committees as appropriate - Audit, Remuneration, Standards, Finance and General Purposes, and Marketing;
- to ensure the organisation adopts proper standards of corporate governance including risk management and financial control;
- to oversee engagement with key stakeholders to promote the organisation (with the Chief exec, SMT and Directors);
- to act as a Figurehead and Spokesman at high profile events; and
- to set and agree the business plan annual objectives, and review the Chief Executive's performance against these.

You told the Committee you had no official dealings, contractual or otherwise, with AFS whilst in office, and have no sensitive information that could benefit the organisation. Whilst you noted some contact with Department for Environment, Food and Rural Affairs (DEfRA) was possible, this is speculative rather than part of your main duties as Chairman. You also confirm that you will not lobby Government.

HMT Permanent Secretary, Tom Scholar, was contacted about this application. HMT confirmed it does not have a relationship with AFS; that you had no official contact or dealings with the organisation whilst in ministerial office; and that you have no commercially sensitive information of relevance. HMT also noted that you are a Member of the Lords EU Select Committee. The Department has no concerns about this appointment.

The Committee's consideration

The Committee noted that you had no official contact or dealings with AFS whilst in office. HMT confirmed this, and that it has no relationship with the organisation. As there is no direct link between your time in office, as Commercial Secretary to the Treasury, and this role, the Committee considered it could not reasonably be perceived you were offered this role as a reward for decisions or actions you took in ministerial office.

Given you only recently left ministerial office, there could be a small risk of perception that AFS could unfairly benefit as a result of your time in office. However, HMT confirmed that you have no commercially sensitive information or knowledge about unannounced Government policy.

Whilst there is a possibility of some contact with DEfRA, you told the Committee you will not lobby the Government. To guard against any risk that AFS may seek to influence government policy at some point in the future the lobbying ban imposed makes clear that any use of contacts made whilst in office, to the advantage of your new employer, would be inappropriate.

The Committee also noted that you are a Member of the House of Lords and also a Member of the Lords EU Select Committee. In addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the Lords. In particular the Code of Conduct for Members of the House of Lords, which places some restrictions on lobbying.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises these appointments 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; and
- for two years from your last day in service, you should not become personally involved in lobbying the UK Government on behalf of Assured Food Standards Ltd or its partners. This is not intended to prevent you from reporting to Government on the activities of Assured Food Standards Ltd, or from advising the UK Government in relation to subjects that are an integral part of normal business for AFS when the UK Government has asked for such advice. However, it would prevent you from making use, directly or indirectly, of your contacts in Government to influence policy or secure funding on behalf of Assured Food Standards Ltd or its partners.

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

The Rt Hon Baroness Neville-Rolfe DBE CMG

