



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 the South East Reserve Forces' and Cadets' Association.

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.

Appointment details

You are seeking to take up an unpaid and part-time appointment, as a Member, with the South East Reserve Forces' and Cadets' Association (SERFCA).

The Reserve Forces' and Cadets' Association (RFCA) is comprised of 13 individual, regional, associations across the UK, which are publicly funded.

RFCA's main responsibilities include:

- to provide advice and support on behalf of the UK's volunteer Reserve forces and Cadets;
- to work with the chains of command of the three services (Army, RAF, Navy) to deliver support to the Reserves and Cadets against Service Level Agreements;
- to establish and maintain links with the community and to deliver employer engagement on behalf of defence; and
- to deliver the volunteer estate through the maintenance and support of reserve training centres; cadet centres; and training areas within which the reserves and cadets of all three services can conduct their activities.

You stated your role would be to attend meetings; occasionally visit Reserve and Cadet units; and attend the annual meeting in Parliament, which is attended by MPs and peers with a local connection. You noted that a Minister may also occasionally attend to speak.

The MOD was contacted about this application and confirmed it had no propriety concerns about your role with SERFCA.

The MOD stated that as Minister for Reserves you had access to confidential information about Reserves; about matters pertaining to the running of the RFCA; and about the recruitment of both Regular and Reserve military personnel. The MOD confirmed this information is no longer current. It also noted you would have received invitations from each of the individual RFCAs to attend and speak at events such as their Annual General Meetings, to hear about the Association's work; to thank the members and staff for their work on behalf of the Reserves and Cadets during the year; and to encourage them to maintain their efforts. The MOD also confirmed you made regular visits to Reserve Units and Cadet Detachments; these visits were usually facilitated by the relevant RFCA.

The MOD told the Committee that whilst you would have had overall accountability for the RFCA, you would not have been directly responsible for day-to-day decisions on funding or policy for the individual RFCAs. With reference to the funding and policy arrangements, the MOD confirmed it provides funding to the RFCA, in the form of grants and grant-in-aid, to meet necessary expenditure; and that the amount of funding provided by the MOD to enable the RFCA to meet its obligations under service level agreements is agreed and authorised at official level. Further, the work of the RFCA is directed by the three Services, the Defence Infrastructure Organisation (an MOD agency) and the MOD Reserve Forces and Cadets Division. The MOD confirmed that issues affecting individual RFCAs would be unlikely to require ministerial involvement and you made no decisions in ministerial office that directly affected the RFCA.

The Committee's consideration

The MOD confirmed that you had overall responsibility for the RFCA and would have received invitations to visit individual RFCA's. However the MOD confirmed you would not have had direct responsibility for their funding or policy issues. Rather the RFCA's work is directed by the three Services, and some of MOD's agencies, through statutory agreements; and funding is agreed and authorised at official level. As you had no direct involvement in decisions affecting the RFCA and is an unpaid position, this role cannot reasonably be perceived as a reward for your time in office. The Committee also noted your confirmation that you asked to be appointed in this role, as you have significant interest and personal experience in the nature of its work,

long before you became a Minister (having previously been a member of the Armed Forces and a Reservist).

This Committee noted this role is directly related to the area for which you had ministerial responsibility. The MOD stated you would have had access to confidential information about Reserves; RFCAs; and the recruitment of military personnel. However the MOD also confirmed this information is no longer current - as it has now been approximately 19 months since you left ministerial office. Therefore, the Committee considered there should be no reasonable concern that SERFCA or its partner associations would gain an unfair advantage as a result of information to which you were privy whilst in ministerial office.

The Committee noted there is a chance you might have some contact with Government throughout your role at SERFCA, given its function and reporting regime. The Committee considered that if any possible contact is in line with the statutory and routine reporting responsibilities of SERFCA, this type of contact would not be improper. However, whilst each RFCAs has its funding agreed and allocated by the MOD, it would be improper if there was any suggestion you may influence the funding agreement between SERFCA (or indeed any of the RFCAs) and the MOD. As such, the Committee would draw your attention to the conditions imposed, which make clear that any use of your contacts across Government/Whitehall to lobby Government on behalf of SERFCA or its partner associations to lobby Government, would be inappropriate.

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 ministerial office, you should not become personally involved in lobbying the UK Government on behalf of the South East Reserve Forces' and Cadets' Association or its partner associations. Nor should he make use, directly or indirectly, of his contacts in Government and/or Crown service to influence policy or secure funding on behalf of the South East Reserve Forces' and Cadets' Association or its partner associations.

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 this appointment with SERFCA 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

Sir Julian Brazier TD