

*From the Chair*



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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You asked for the Committee's advice about writing a monthly column in the Mail on Sunday.

The Committee's role and remit

It is the Committee's role to advise on the 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

You informed the Committee that you had been offered a contract with Associated Newspapers to write a paid, monthly column in the Mail on Sunday.

You said that the appointment is not likely to include any contact with your former Department or Government more generally.

The Committee consulted the Cabinet Office Permanent Secretary, who had no objections to this appointment. He noted that you did not have policy responsibilities for media whilst in the Cabinet Office.

#### The Committee's consideration

The Committee<sup>1</sup> has assessed that this appointment does not raise any issues of concern under the Government's Business Appointment Rules. It is aware of no reason to see the appointment as a reward for decisions made in office as you did not have policy responsibilities for media whilst in the Cabinet Office.

The Committee recognised that you would have had access to sensitive information while in office given your position as a Cabinet Minister. It would therefore draw your attention to the restriction set out below on making use of privileged information, which mitigates against any potential risk in this regard.

The Committee noted that, as a former Cabinet Minister, you are subject to a standard three-month waiting period before taking up any outside appointment. This period has now passed and there is no reason under the Business Appointment Rules for requiring a longer pause before you take up this appointment.

Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in Ministerial office; 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 Associated Newspapers.

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 (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*

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<sup>1</sup> This application for advice was considered by Jonathan Baume; Baroness Angela Browning; Lord Michael German; Terence Jagger; Baroness Helen Liddell; Richard Thomas and John Wood. Sir Alex Allan recused himself from this application in line with ACOBA's published Code of Practice.

*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, 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 Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

Once this 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 Damian Green MP

