

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee for advice about accepting a position as an Advisory Board Member at The Project for Modern Democracy.

The Committee's role and remit

As you will be aware, 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.

The Project for Modern Democracy

You informed the Committee that you had been invited to join the Advisory Board of The Project for Modern Democracy, an independent, non-party think tank formed in 2014 by Nick Herbert MP to promote more efficient government and good citizenship.

The Advisory Board of The Project for Modern Democracy encompasses GovernUp, which

was set up in 2014 to promote more effective and efficient government, with better economic and social outcomes for the British public. New projects cover international development, global LGBT rights and citizenship, housing and planning, trade policy, economic policy, and justice and security issues.

You said that this role would be unpaid and the time commitment would be minimal. You would have no responsibility for governance but might become involved in projects of interest to you. You explained that the role would only involve contact with Government at the request of Government. You told the Committee you would not engage in lobbying.

The Committee approached the Permanent Secretary to the Treasury about the role. He advised the Committee he had no concerns about this appointment; that you had no connection to the organisation while you were a Minister; and the Department has no connection to the organisation.

The Committee's consideration

The Committee has concluded there is no basis for viewing this appointment as a reward for decisions made in office, as it is an unpaid position and the Permanent Secretary to the Treasury has confirmed that you had no connection to the organisation while a Minister.

The Committee considered the risk that The Project for Modern Democracy could gain an unfair advantage to be low. You have confirmed that you will only have contact with Government in this role at the request of Government. The Committee also noted that there has been a gap of almost 15 months since you left office.

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:

- 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 The Project for Modern Democracy. This is not intended to prevent you from reporting to Government on the activities of The Project for Modern Democracy, or from advising the UK Government in relation to subjects that are an integral part of normal business for the organisation, when the UK Government has asked for such advice.

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 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

Lord O'Neill of Gatley

