

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee about accepting a position as patron of the charity SHINE (Support and Help in Education).

The Committee's role and remit

As you are 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.

Patron, SHINE

You informed the Committee that you have been asked to be a patron of SHINE, a charity that supports educational programmes for children from economically deprived areas of England.

You stated that the appointment is unpaid and will involve no commitments.

You explained that you had no dealings with the charity as Chancellor and were clear that you would not have contact with Government in connection with your position as patron.

The Committee approached the Permanent Secretary to HM Treasury about the role. His office confirmed that the Department has no connection to SHINE and that whilst you were responsible for general policy decisions that would have affected the charity sector, none of the decisions from your time in office were specific to SHINE. He has no concerns about this appointment.

The Committee's consideration

The Committee has concluded that there is no basis for viewing this appointment as a reward for decisions made in office, as it is an unpaid position and you have said that you had no dealings with the charity as Chancellor. The information provided by HM Treasury supports this conclusion.

The Committee considered the risk of a perception that you could afford SHINE an unfair advantage through improper use of official information or contacts in Government to be low, given the nature of your role, your confirmation that the appointment will not involve contact with Government and the fact that 17 months have passed 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 Government on behalf of SHINE.

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

Rt Hon George Osborne

