

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee for advice on taking up an appointment with WheelPower.

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.

It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

WheelPower

You informed the Committee that you had applied for an advertised post as Chairman of WheelPower, the national charity for wheelchair sport. This is an unpaid position.

You provided the following role description:

'The Chair will hold the Board and Executive Team to account for the Charity's mission and vision, providing inclusive leadership to the Board, ensuring that each Trustee fulfils their duties and responsibilities for the effective governance of the charity. The Chair will also support, and, where appropriate, challenge the Chief Executive and ensure that the Board functions as a unit and works closely with the entire Executive of the Charity to achieve agreed objectives. He or she will act as an ambassador and the public face of the charity in partnership with the Chief Executive.'

You explained that, as a national charity for disabled sport, WheelPower will have links with the Department for Digital, Culture, Media and Sport (DCMS) from both the sport and charity perspectives. To date these connections have been infrequent.

You informed the Committee that you had no official dealings with WheelPower in post. You added that you had little involvement with sporting charities as these were primarily dealt with by the Minister for Sport.

Neither DCMS nor Cabinet Office have any record of you meeting WheelPower whilst you were a Minister. DCMS has no concerns about your appointment.

DCMS advised that WheelPower has received a grant via UK Community Foundations (DCMS Ministers would have approved the headline grant to UK Community Foundation) and is in receipt of funding from Sport England but you would not have been involved in either decision to award funding to the charity.

DCMS explained that whilst as minister for Civil Society, you were responsible for promoting and supporting the charities sector, none of the decisions from your time in office were specific to WheelPower.

The Committee's consideration

When considering your application, the Committee¹ took into account that although you were the Minister for Civil Society, you had no contact with WheelPower while in office and no involvement in awarding it funding. It concluded that these factors, together with the unpaid nature of the appointment, mean that the risk of the appointment being seen as a reward for decisions made in office is low.

The Committee noted that part of your role as Chairman will be to act as an ambassador and the public face of the charity and that you may have contact with Government. The Committee has assessed that this would not be inappropriate, providing you do not make use of your contacts in Government to seek to provide WheelPower with an unfair advantage over other charities. This is precluded by the extended lobbying ban set out below. The Committee also noted that over a year has passed since you left office so the risk of you having access to any privileged information is low. The privileged information ban sufficiently mitigates any remaining risks in this respect.

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:

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Browning; Lord Michael German; Terence Jagger; Baroness Helen Liddell; Richard Thomas and John Wood. Dr Susan Liautaud was unavailable.

- 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 WheelPower. Nor should you make use, directly or indirectly, of your Government and/or Crown Service contacts to influence policy or secure funding on its behalf. This would not prevent you from having routine contact with the UK Government on other matters that are an integral part of the normal course of business for WheelPower.

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

Rob Wilson

