



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: LT GEN JAMES BASHALL CB CBE

The Committee has been asked to consider an application from Lt Gen Bashall, who was Commander, Home Command, from June 2015 until his last day in post, 7 June 2018.

Prior to this, between January 2016 and June 2015, Lt Gen Bashall was Director Personal, Army Headquarters; and from November 2012 to November 2014, was Chief of Staff at the Permanent Joint Headquarters.

His last day in Crown service will be 26 November 2018.

Application details

Lt Gen Bashall sought the Committee's advice about taking up a role with Fujitsu Ltd, a global information and communication technology provider, operating across Europe, the Middle East, India and Africa. It offers services in retail; finance; telecoms; transport; government; defence; and national security.

Lt Gen Bashall stated this would be a paid and part-time piece of work, which he expects to last for three years. He stated his role would be to accompany the lead business development salesman overseas to help endorse Fujitsu products in a number of overseas markets; and to engage with military clients in an assurance capacity. Lt Gen Bashall said he does not expect to have contact with the UK Government whilst he conducts this work.

In relation to dealings with Fujitsu, Lt Gen Bashall stated: 'my connection with Fujitsu was established over 4 years ago when I was the Commodore of the Army Sailing Association (ASA). The ASA is a registered charity which provides sailing opportunities to serving members of the Army. Fujitsu has been sponsoring the charity for a number of years; and in my capacity as Commodore I was introduced to members of the UK Fujitsu leadership team. In 2017, I was given permission by the MOD to speak at a Fujitsu leadership event, and I spoke on the subject of 'People, motivation and interaction', using examples of my military service to explain motivational concepts. Following this, Fujitsu approached me to enquire if I would like to work with them when I left the Army on a part time basis.'

Lt Gen Bashall stated he was not offered this role as a consequence of any commercial relationship with Fujitsu.

Departmental Assessment

General Sir Nick Carter, Chief of Defence Staff, and Stephen Lovegrove, Permanent Secretary at the MOD, countersigned this application.

The MOD provided information about the current contracts it holds with Fujitsu, which have significant values and are for various services across the MOD including: defence equipment; IT goods and services; defence telecommunications; and desktop hardware. The MOD stated Lt Gen Bashall had no engagement with Fujitsu or the market in which it operates whilst he was in post; and that he had no engagement with commercial activity, or access to information which could be considered to give Fujitsu a competitive advantage.

The MOD also confirmed Lt Gen Bashall:

- held recent roles focussed on HR, training and UK Operations - as Commander, and before that he was a Director of Personnel at the Army HQ;
- has never worked for Defence Equipment and Support, nor for any branch of the Capability Directorate and does not have a commercial background;
- has had no connection with Information Systems and Services (a cluster within Joint Forces Command) in the conduct of his role; and
- would have a good working knowledge of communications systems as a user in his capacity as a Commander of Operations, however, he has not undertaken recent communication systems specialist roles in Defence. The MOD saw no risk he would be in a position to take up appointments/ employment purely based on his professional expertise of communications systems.

The MOD recommended conditions be imposed on this appointment, including restrictions on drawing on privileged information, lobbying Government and providing advice on the terms or with regard to the subject matter of a bid or contract relating directly to the work of the MOD. The MOD also made clear that, in his role with Fujitsu to accompany the lead business development salesman overseas to help endorse Fujitsu products in a number of overseas markets, he must *'not be seen to "endorse" products and so in his proposed interaction with potential overseas clients he must make clear that his endorsement is his personal professional / a Fujitsu judgement rather than a UK MOD endorsement.'*

Committee's consideration

The Committee¹ considered there is a risk here that, given Fujitsu has several current major contracts with the MOD across a range of services, any senior member of MOD staff could be perceived to have some influence over, or responsibility for, decisions in relation to those high value contracts. However, it took into account that there are several mitigating factors here: Lt Gen Bashall's most recent roles in the Army/ MOD were in senior HR/ personnel; and the MOD has confirmed he had no engagement in commercial activity, including contracts awarded to any organisation and specifically, that he had no official or contractual dealings with Fujitsu whilst he was in post. The Committee also took into account that Lt Gen Bashall confirmed his connection with the organisation is as a result of his role at the Army Sailing Association and that in 2017 he was given permission by the MOD to speak at a Fujitsu leadership event (but on a subject unrelated to the work Fujitsu have asked him to

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

carry out.) The Committee concluded the risk Lt Gen Bashall has been offered this role with Fujitsu as a result of his time in post, is low.

Whilst the Committee recognised that Fujitsu would benefit from Lt Gen Bashall's experience and profile as a senior Military officer, the Committee saw no reason Fujitsu would gain an unfair commercial advantage as a result of his specific role in office. The MOD confirmed he has no commercially sensitive information and therefore, the risk that Fujitsu could gain an unfair advantage as a result of any specific information to which he was privy, is also low:

However, there is a risk he could be seen to have influence within the MOD and across the defence sector to the unfair advantage of Fujitsu. The Committee has therefore imposed a condition preventing him from advising on the terms, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Ministry of Defence or its trading funds; a lobbying ban which makes clear that use of his contacts across Government/ Whitehall would be inappropriate; and a condition precluding him from providing advice to Fujitsu on the UK defence market.

Further, taking into account the information provided by the MOD the Committee also considered it was appropriate to impose a condition that Lt Gen Bashall must make clear that he does not represent the UK MOD in any way when carrying out this role.

The Secretary of State for Defence accepted the Committee's recommendation that Lt Gen Bashall's role at Fujitsu be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service he should not become personally involved in lobbying the UK Government on behalf of Fujitsu Ltd, its partners or subsidiaries, nor should he make use, directly or indirectly, of his contacts in Government and/or Crown service to influence decisions or policy on behalf of Fujitsu Ltd, its partners or subsidiaries;
- for two years from his last day in Crown service, he should not provide advice on the terms, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Ministry of Defence or its trading funds;
- for two years from his last day in Crown service, he should not provide advice to Fujitsu Ltd, its partners or subsidiaries, in relation to the UK defence market; and
- he should make clear that any endorsement he gives of Fujitsu products is his own professional and personal endorsement and not an endorsement in any way deriving from the UK Ministry of Defence.

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 ensure that we are informed as soon as Lt Gen Bashall takes up this appointment (I enclose a form for this purpose). We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.

I should also be grateful if you would ask that Lt Gen Bashall informs us if he proposes to expand or otherwise change the nature of this role, depending on the circumstances, it may be necessary for him to make a fresh application.

Once this appointment has been taken up or announced, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours sincerely

Sarah Parkington
Committee Secretariat