



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 Personnel, 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.

Appointment details

Lt Gen Bashall proposes to set up an independent consultancy to provide leadership training. He intends to offer his knowledge, skills and experience as a Commander at various ranks, to advise boards with leadership and policy issues.

Lt Gen Bashall does not intend to work more than 100 days per year.

Departmental view

The MOD confirmed the following information provided by Lt Gen Bashall:

- his final job in the Army focussed on HR, training and UK Operations - before that he was a Director of Personnel at the Army HQ;
- he had no official contact with commercial companies in the past two years;
- his work did not involve commercially sensitive information; and
- he had never worked for Defence Equipment and Support, nor for any branch of the Capability Directorate and has no commercial background.

General Sir Nick Carter, Chief of Defence Staff, and Stephen Lovegrove, Permanent Secretary at the MOD, both countersigned this application. Neither raised any concerns about Lt Gen Bashall establishing an independent consultancy.

Committee's consideration

When considering Lt Gen Bashall's application to set up an independent consultancy, the Committee¹ took into account that he proposes to set up a consultancy in a broadly defined area, drawing on generic skills and experience gained during his time in office.

The Committee considered that, generally, this poses no particular risks of impropriety under the Government's Business Appointment Rules. However, the Committee observed that the risks under the Rules can only be adequately considered and assessed in relation to the individual commissions Lt Gen Bashall goes on to take up under the consultancy. Nevertheless, the Committee considered there are some general areas of potential conflict it is possible to mitigate, even in regard to the broad area of consultancy work.

It is the Committee's experience that applications where there is a connection between former Crown servants' responsibilities in Government and the area they are looking to work in outside Government, are more likely to give rise to risks under the Rules. For example, whilst the Committee recognised that Lt Gen Bashall's background in Crown service is not specific to commercial procurement, nor is it the focus of his consultancy, there is a potential risk that he could be seen to offer his future clients an unfair advantage, if he were to work for organisations which contract, or may contract in the future, with the MOD.

The Committee considered it is possible to mitigate some of the inherent risks by imposing specific conditions. It is usual in the circumstances of establishing an independent consultancy, to impose a ban on drawing on the use of privileged information. Additionally the Committee has imposed a lobbying ban which makes clear that Lt Gen Bashall's contacts across Government/ Whitehall gained whilst in post should not be used to the unfair advantage of any of his prospective clients. Further, as he held a senior position in the Army and could be seen to have influence should a potential employer seek to do business with the MOD, the Committee also considered it appropriate to impose a ban on advising on the terms of a bid or contract relating to the work of the UK MOD or its trading funds in this case.

Whilst the conditions below provide mitigation around the generic consultancy proposed, the Committee would like to make clear that whether these conditions will sufficiently mitigate the risks presented by each future commission Lt Gen Bashall wishes to take up under this consultancy, will depend on the specific details of each piece of work. Further conditions may be appropriate. In particular, the Committee has not felt it necessary to impose a condition restricting any commissions with the UK defence industry, but it will want to consider carefully the circumstances around any proposed commission in that area. Therefore, Lt Gen Bashall will need to revert to the Committee to seek advice before accepting any new commissions or changing the nature of a commission.

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

- he should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown service;

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.

- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of his clients, or their partners or subsidiaries. He should not make use, directly or indirectly, of his contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf;
- for two years from his last day in Crown service, he should not undertake any work as a consultant that involves providing advice to any company organisation on the terms of, 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; and
- for two years from his last day in Crown service, before accepting any commissions and/ or before extending or otherwise changing the nature of any commission, he should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business appointment Rules.

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's consultancy is live (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 his consultancy, depending on the circumstances, it may be necessary for him to make a fresh application.

Once Lt Gen Bashall's consultancy is live, 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

