



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with Secure Trust Bank.

The Committee's remit

As you are aware, it is the Committee's role to advise on any 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.

Appointment details

You wish to take up a paid, part-time role as a Non-Executive Director with Secure Trust Bank (Secure Trust), the British retail and commercial bank, to carry out general duties. You said you do not expect to have contact with Government in this role.

You stated you had no official dealings with Secure Trust during your last two years in office; and are not aware of a relationship between your former Department, Her Majesty's Treasury (HMT) and Secure Trust.

You confirmed that whilst in ministerial office at HMT, you dealt with the financial services aspects of Brexit, but that this related to sectoral matters, not the details of specific banks. You said you had no access to commercially sensitive information about competitors of Secure Trust.

You also stated you have previous experience in the sector - you said that, previous to your time in ministerial office, you were involved with the establishment of Tesco Bank in the 2000s and to some extent, as it developed following the purchase of aspects of Royal Bank of Scotland (RBS) Operations.

HMT confirmed you had no contact or dealings with Secure Trust, nor did you make any decisions that were specific to the organisation or any general policy decisions that would have benefitted Secure Trust, whilst you were in ministerial office. HMT also confirmed you had no access to commercially sensitive, or unannounced departmental policy information, which could give the organisation an unfair advantage over its competitors. HMT did not raise any concerns about this appointment.

The Committee's consideration

When a former Minister seeks to take up a new role, which is related to the area for which they had responsibility whilst in office, there are more likely to be increased risks under the Rules. However, for the reasons set out below, the Committee considered the risks here are low, and can be appropriately mitigated by imposing conditions.

The Committee¹ took into account you would be entering a role in a sector for which you have experience, previous to your ministerial role at HMT. The Committee also took into account that HMT confirmed you were not responsible for any decisions specific to Secure Trust, or that would have benefitted the organisation in any way; and that you had no official contact or dealings with the organisation whilst in office. The Committee therefore concluded there was little risk this appointment could be seen as a reward for decisions you made whilst in office.

Whilst the Committee noted you dealt with the financial services aspect of Brexit whilst in office, you said this related to sectoral matters and not the details of specific banks. In addition, the Committee considered it has now been approximately 16 months since you left HMT. Given the significant gap between your time in office and your role at Secure Trust, the information you

¹This application for advice was considered by Sir Alex Allan; Jonathan Baume; Lord Michael German; Dr Susan Liautaud; and John Wood. Terence Jagger and Richard Thomas were unavailable. Baroness Helen Liddell and I recused ourselves from this application in line with ACOBA's published Code of Practice. This letter contains the Committee's advice, arrived at without my input and which I am sending in my capacity as Chair of the Committee.

may have been privy to will likely be less valuable; and HMT confirmed you had no access to any sensitive information that would be advantageous to Secure Trust.

Whilst you do not expect to have contact with Government during this work, the Committee considered that given your ministerial portfolio at HMT, it could be perceived you could offer Secure Trust an unfair advantage as a result of the contacts you will have gained across Whitehall/ Government. Therefore, the Committee has imposed the conditions below to make it clear that any use of your contacts to the unfair advantage of Secure Trust, or its subsidiaries would be inappropriate.

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:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations 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 Secure Trust Bank or its subsidiaries, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business on behalf of Secure Trust Bank or its subsidiaries.

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.*"

The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Lords; and 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.

I should be grateful if you would inform us as soon as you take up employment with this organisation, 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 Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

From the Chair

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

The Baroness Browning

The Rt Hon Baroness Neville-Rolfe DBE CMG