

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee for advice about taking up an appointment as Senior Adviser at The Playbook.

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.

Appointment details

You have been offered the position of Senior Adviser at The Playbook, a creative communications agency specialising in sport, consumer and technology.

The Playbook has asked you to 'help develop a new service line promoting the role physical activity can play in strengthening the resilience of young people and in helping solve some of society's broader ills.' They would also like you to assist with their work advising a number of Playbook's clients in the technology and energy sector on how to embrace the loneliness agenda. You said the role would not involve contact with the UK Government.

The Playbook is a subsidiary of Hanover Communications. However, The Playbook confirmed to you that you would not be expected to assist other parts of the Hanover Group with its public affairs activity.

In relation to prior contact with your prospective employer and the sector in which it operates, you informed the Committee that, after the Rio Olympics, you spoke at an event organised by The Playbook to celebrate the UK's Olympic success; and about what was needed to create a legacy for lottery funded success. You said you are not aware that you had any contact with competitors of The Playbook.

You said Hanover have a number of clients that are relevant to your previous position – including The Premier League, NFL and ECB. You said you would have had contact with clients of Hanover as many of the sports organisations use consultancies to provide advice and arrange meetings with Ministers.

The Department for Digital, Culture, Media & Sport (DCMS) was consulted on the appointment. DCMS confirmed the following:

- The accuracy of the information you provided about your official contact with The Playbook and the sector in which it operates.
- Neither DCMS nor its arms length bodies have an established relationship with The Playbook, contractual or otherwise.
- You made decisions which aimed, amongst other things, to support and boost participation in sport and physical activity. However, there were no specific decisions which related to, or disproportionately benefited, any of the sports clients The Playbook represent; and there were 'no decisions made which pertained to The Playbook directly at all'.
- You will be familiar with the goals and range of government policy and programmes relating to young people and sport.
- You would not hold any commercially sensitive information, or information about unannounced Government policy, related to your former ministerial responsibilities that would advantage The Playbook. You interacted with some of The Playbook's clients (along with many of Hanover's clients) during your time as Sports Minister. You may have some knowledge which could benefit clients. However, the Department is unaware of any information that would impact on your new role that would not have been announced or in the public domain already.
- The Permanent Secretary had no reservations about the appointment.

The Committee's consideration

The Committee¹ observed that your role as Senior Adviser would be to help develop a new area of work for The Playbook in promoting the role physical activity can play in strengthening the resilience of young people and in benefitting society in general. You would also assist with their work advising clients on how to embrace the loneliness agenda.

The Committee placed weight on the evidence provided by your former department that you made no specific decisions which related to or disproportionately benefited any of the sports clients The Playbook represent, and there were no decisions made which pertained to The Playbook directly at all. It therefore assessed the risk of this appointment being seen as a reward for decisions made in office as low.

When considering your application the Committee took into account that your role will not involve assisting other parts of the Hanover Group with any public affairs activity. It also took into account that you do not expect your role to involve contact with Government. DCMS has confirmed that you do not have access to commercially sensitive information or information about unannounced Government policy that could provide The Playbook with an unfair advantage. The Committee has therefore concluded that while it could appear as though your appointment could unfairly benefit The Playbook, an objective assessment suggests that the risks are limited and can be mitigated by the imposition of conditions. In addition you have confirmed to the Committee that you will agree with the company that the terms of your employment with the company should not include any right to fees, commission or other benefit for business introduced.

The conditions set out below preclude lobbying of your network in Government and prevent you from lobbying or making introductions to contacts in companies and organisations developed during your time as a Minister for the purpose of securing business for The Playbook.

The Committee has considered whether a waiting period is necessary given the connection in subject matter between the work you propose to engage in with The Playbook and your former ministerial responsibilities. The Committee recognised there is a possibility it could be perceived your prospective employer could benefit from your time in Ministerial office by taking up this role so soon after leaving Government. However, the evidence set out above is that there is no specific risk, subject to the conditions imposed below. The Committee also noted the nature of the work - advising The Playbook's clients on using sport as a force for social good and how to tackle loneliness. In the circumstances, the Committee concluded that a waiting period is not necessary and that the conditions imposed below sufficiently mitigate the potential risk identified by the Committee.

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 persons or organisations to which this advice refers) any privileged information available to you as a Minister;

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

- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of The Playbook or its parent company or clients. Neither should you make use, directly or indirectly, of your contacts in Government to influence policy or secure business or funding on their behalf; and
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying or making introductions to contacts in companies and organisations developed during your time in Ministerial office, for the purpose of securing business for The Playbook or its parent company or clients.

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

Ms Tracey Crouch MP