



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee about re-establishing your Independent Consultancy, Mayforth Consulting.

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 seek to re-establish your Independent Consultancy, Mayforth Consulting (Mayforth). Prior to taking up your Ministerial role, you resigned as a Director at Mayforth on 10 December 2017. You told the Committee Mayforth has been dormant during that time; and you had no official dealings with Mayforth whilst in office.

You describe Mayforth as a strategy and research consultancy with a primary focus on education. Its mission is to help entrepreneurial educators, whether in the not-for-profit, public or corporate sectors, to change British education for the better. You expect the work to involve strategy consultancy in the fields of business, health, life sciences and education.

You said that direct contact with the Government in relation to any future clients is unlikely, although it may be required for information gathering purposes.

The Department of Health (DHSC) was consulted regarding this consultancy. It confirmed your Ministerial portfolio covered EU Exit; Life Sciences; Medicines Pricing and Supply; Technology; Digital and Data; Science; Research and Genomics. DHSC also confirmed it has no relationship with Mayforth and it has no concerns about you taking up this role.

The Committee's consideration

When considering your application to re-establish your consultancy, the Committee¹ took into account that the consultancy is in a broadly defined area.

The Committee considered that generally, in relation you rejoining as Director, the risk of reward here is low, as you told the Committee Mayforth has not been operating whilst you were in ministerial office and DHSC confirmed it has no relationship with Mayforth. However, the Committee observed this risk under the rules can only be adequately considered and assessed in relation to individual commissions you take up under the consultancy.

It is the Committee's experience that where there is a connection with the individual's responsibilities in government and the area they are looking to work in are more likely to give rise to risks under the Rules. For example, the Committee recognises you are proposing you may work in areas that relate to your time in office (such as health and life sciences). Should this be the case, there is a potential risk you could be seen to offer clients in these sectors an unfair advantage given the information you may have had access to.

The Committee have considered it possible to mitigate some of the inherent risks present by imposing specific conditions. The lobbying ban imposed, below, makes it clear that any use

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

From the Chair

of contacts you gained in office in Government/ Whitehall to the advantage of Mayforth or any clients would be inappropriate.

As is usual when an individual sets up an independent consultancy, the Committee has imposed a ban on advising on the terms of a bid or contract relating to your time in office, in this instance, bids and contracts with the UK Government.

While the conditions below provide mitigation around the general consultancy proposed, the Committee would like to make clear that whether these conditions will sufficiently mitigate the risks presented by each future commission you wish to take up, will depend on the specific nature of the work. Therefore, you will need to revert to the Committee to seek advice before accepting any new commissions or changing the nature of your consultancy.

In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as Director at Mayforth Consulting 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;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK Government on behalf of any of your clients or those you advise, nor should you make use, directly or indirectly, of your Government and/or Whitehall contacts to influence policy or secure business or funding on behalf of your clients;
- for two years from your last day of service you should not undertake any work as a consultant that involves providing advice to any company or organisation on the terms of a bid or contract relating directly to the work of the UK Government; and
- for two years from your last day in ministerial office, before accepting any commissions and or/before extending or otherwise changing the nature of any commission, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of your 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*

From the Chair

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.

I should be grateful if you would ensure that we are informed as soon as your consultancy is live. 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 you have complied with the rules.

I should also be grateful if you could inform us if you propose to expand or otherwise change the nature of your consultancy, depending on the circumstances, it may be necessary for you to make a fresh application.

Once your consultancy is live 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 Lord O'Shaughnessy