

From the Chair



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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You approached the Committee about taking up an appointment as a Strategy Adviser at Viasat Inc.

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 take up an appointment as a Strategic Adviser at Viasat Inc (Visast). You told the Committee your role will involve providing strategic business advice in Asia and will not involve any UK work, UK Government work, or advocacy on Viasat's behalf.

This is a part-time, paid appointment with a work commitment of 3 months. You noted you were approached regarding this role in April 2019 (some time after you left Ministerial office, in November 2017).

You informed the Committee you had no official dealings with Viasat during your last two years in office. Further, you are not aware of any relationship between DfID and Viasat; had no dealings with its competitors or access to commercially sensitive information about competitors; and have had no involvement with the sector or industry in which your prospective employer operates.

The Department for International Development (DfID) was consulted and confirmed the details you provided were correct. It confirmed to the best of their knowledge, it has no relationship with Viasat; you had no official dealings with Viasat or its competitors while in ministerial office; and did not make any decisions relevant to Viasat or that she has access to commercially sensitive or unannounced departmental policy information which would give Viasat or its partners an unfair advantage.

### The Committee's consideration

When considering this application the Committee<sup>1</sup> took into account this appointment has no connection with your ministerial role at the Department for International Development. It particularly noted you had no dealings with Viasat whilst in office; and it is aware of no objective reason it might be perceived this appointment is a reward for decisions or actions in office.

It is assessed it is unlikely you are aware of any specific information that might unfairly assist Viasat, given your role and responsibilities whilst in office were unrelated. The Committee also took into consideration your former department do not believe you had no access to relevant information; and the time that has lapsed (it has been approximately 19 months since you left ministerial office).

Given your seniority and profile as a Secretary of State, there is a risk it could be perceived your contacts might assist Viasat unfairly. Therefore, the Committee imposed the conditions below, to make it clear that any use of your contacts gained in Government/Whitehall to Viasat's advantage would be inappropriate. Viasat are known to be undertaking work with the

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

UK Space Agency and European Space Agency to support the growth of the space industry in Europe. While it is noted you will not engage in UK work, UK Government work or advocacy, the Committee would like to draw your attention to the ban imposed on providing advice on bids and contracts with the UK Government, to mitigate any potential risk should you be asked to advise on these matters.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation 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 funding on behalf of Viasat Inc or its clients; and
- for two years from your last day in office, you should not provide advice on the terms, or with regard to the subject matter of, a bid or contract with or directly relating directly to the work of the UK Government.

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 Commons.

I should be grateful if you would inform us as soon as you take up this role, 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.

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 Priti Patel MP