

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

July 2019

You approached the Committee about taking up appointments as an Advisory Board Member and a Report editor with UK Onward Thinktank Ltd (Onward).

The Committee's role and remit

As you will be aware, 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.

The Application

You sought the Committee's advice on taking up two positions with UK Onward Thinktank Ltd (Onward), outlined below:

From the Chair

- i. A Member of Advisory Board - an unpaid position as “*an ongoing member of the advisory board*”
- ii. A Report Editor - a paid position, “*organising and editing a report on the politics of belonging*”

These are part time appointments, involving 1 day of work per month per month.

You stated that these appointments are unlikely to include any contact or dealings with DHSC or the Government; that you had no official dealings with Onward during his last two years in office; was unaware of any contractual or non-contractual relationship between Onward and DHSC; and had no access to commercially sensitive information about Onward's competitors.

You stated that as a Minister, you had contact with several of Onward's competitors in that you met with several think tanks, during your time in office, such as (not limited to) the Policy Exchange, The IPPR and the King's Fund.

You noted your involvement within this sector before your Ministerial role, having previously worked with think tanks: Policy Exchange (2004-2007), including later authoring their report (in 2012) and Legatum Institute (2015-2016). You further stated that outside of Government, you have had *regular contact with a broad range of think tanks for the last 18 years*.

Your former department, the Department of Health and Social Care (DHSC) were contacted about this application. It confirmed the details in your application, and stated they have no concerns about you taking up the appointment. DHSC noted:

- you attended no official meetings with Onward but did go to its Parliamentary Launch;
- you acquired no commercially sensitive information that would put you at an advantage of Onward's competitors;
- Onward's work focuses on domestic and social policy, not on health specifically and is unlikely to draw on information received from your time as Minister;
- the department holds no contracts with Onward.

The Committee's consideration

The Committee¹ noted you are re-entering a sector have previously worked in, prior to becoming an Under Secretary of State. Although you attended Onward's parliamentary launch, this was due to your own interests outside of your Ministerial responsibilities. You and your former department confirmed you made no decisions that directly benefited Onward and the department has no contractual relationship with Onward. As such, the Committee considered the risk of reward here, was low.

The Committee noted that DHSC did not consider you had access to any relevant privileged information. The Committee determined any inherent risk here is mitigated by the ban on the use of privileged information from your time in Ministerial office.

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

From the Chair

Additionally, given your seniority, the Committee noted that you would have had access to a wide range of contacts across Whitehall and within the Government. Therefore it would draw your attention to the lobbying ban below which makes it clear that you may not make of your contacts gained in office to the unfair advantage of Onward.

You have not stated that you seek to advise on bids or grants for the company, and Onward may not seek to work with the UK Government in this way. However, the Committee considered applying a ban on advising on bids and contracts, ensures the potential risk is mitigated should Onward wish to win a bid or grant from the Government in the future.

In the circumstances, the Committee's advice is that, under the Government's Business Appointment Rules, this appointment with UK Onward Thinktank LTD 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 Onward Thinktank LTD, nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy or secure funding on behalf of Onward Thinktank LTD or its clients. This is not intended to prevent you from authoring reports, or representing their findings and recommendations provided that is not done directly to government;
- for two years from your last day in office you should not advise Onward Thinktank LTD or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or 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 Lords.

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.

From the Chair

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 Lord O'Shaughnessy MP