



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Dr Philip Rycroft CB

1. The Committee has been asked to consider an application from Dr Philip Rycroft CB, former Permanent Secretary at the Department for Exiting the European Union (DEXEU), who left office on 12 April 2019. He would like to take up a commission with Flint Global under his independent consultancy.

2. Dr Philip Rycroft CB's posts in office included:

- Permanent Secretary (DEXEU), October 2017 - March 2019
- 2nd Permanent Secretary (DEXEU), March - October 2017
- Head of UK Governance Group (Cabinet Office), May 2015 - March 2019
- Head of (Deputy Prime Minister's Office), May 2012 - March 2015

Application Details

3. Dr Philip Rycroft CB sought advice on taking up a paid, part-time role involving two days of work per month, with Flint Global. Flint Global is an advisory company which according to their website, focuses on business, politics, government and policy.
4. Dr Philip Rycroft CB stated he will offer strategic advice to the business and clients and that this advice is likely to cover political developments, emerging policy and the functioning of government. He made clear that the role will not include drawing on privileged information and is unlikely to include contact with government.

5. With regard to his time in office, Dr Philip Rycroft CB confirmed he was neither responsible for, nor personally involved in, any decisions relating to the company while in office. He did however have official contact with Flint in that he met with the Managing Director of the Company, Sir Simon Fraser, who was formerly Permanent secretary for the Foreign and Commonwealth Office (August 2010 - July 2015). This formed part of DExEU's wider engagement plans and was to explain advancements and updates in policy. Dr Philip Rycroft CB stated he would have had similar meetings with Flint's competitors and other business, He confirmed he did not have access to commercially sensitive information on competitors.
6. DExEU and the Cabinet Office countersigned this application. The departments highlighted there may be a perceived risk associated with Dr Philip Rycroft CB working for Flint which is run by another former Permanent Secretary. DExEU noted there may risks related to the overlap with Dr Philip Rycroft CB's time in office given Flint advise on the nature of EU institutions, EU policy and support corporations to understand this. DEXEU recommended that a ban on the use of privileged information and the extended lobbying ban be applied to this application to mitigate risks.

The Committee's Consideration

7. The Committee considered this commission is consistent with the terms of Dr Philip Rycroft CB's independent consultancy, which was described as provide strategic advice to businesses and other organisations on constitutional and devolution issues; and on British politics, government policies and on the functions of government and the civil service.
8. The Committee noted that Dr Philip Rycroft CB made no policy or commercial decisions which directly affected Flint. Additionally, the only official contact he had with the Flint formed part of an engagement plan which explained the effects of policy advancements with influential businesses. This was not exclusive to Flint, and also included their competitors and other areas of risk. As such, the Committee considered the risk of reward for actions taken or decisions taken in office here is low.
9. The Committee noted DExEU's concerns, and noted the risk that the applicant could potentially provide Flint with an unfair advantage if he was to draw from insight gained in office on issues relating to his time in office, namely Brexit. The Committee considered the ban on providing Brexit related advice that applies to his consultancy, alongside the change in administration and time which has passed since he left office sufficiently mitigates any risk here.
10. The Committee noted the possible perceived risk, having two former Permanent Secretaries working within the organisation, and the perception

this may provide Flint an unfair advantage over their competitors. However, the Committee noted that it is not uncommon for colleagues to work together on leaving office; and was concerned only to mitigate the potential risks under the Rules.

11. The Committee considered that any potential that Dr Philip Rycroft CB would be seen to offer an unfair advantage due to his time in office, including his influence as a former Permanent Secretary would be appropriately mitigated by the conditions applied to his consultancy which also prevent him from advising on bids and contracts and a lobbying ban which prevents his use of contacts gained in office to provide an unfair advantage to Flint.
12. Under the Government's Business Appointment Rules, the Prime Minister accepted the Committee's advice that this commission with Flint Global should be subject to the following conditions (as have previously been applied to Dr Philip Rycroft CB's independent consultancy):
 - he should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of his clients; or their partners or subsidiaries; nor should not make use, directly or indirectly, of his contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf;
 - for two years from his last day in Crown service, he should not undertake any work as a consultant that involves providing advice to any company organisation on the terms of, or with regard to the subject matter of, a bid with or contract relating directly to the work of, the UK Government;
 - for two years from his last day in Crown service, he should not undertake any work as a consultant that involves providing advice to any company or organisation on Brexit related issues, insofar as it as it pertains to the negotiating position of the UK Government prior to the date upon which you left Crown service, whether generally or regarding trade negotiations; and
 - for two years from her last day in Crown service, before accepting any commissions and/ or before extending or otherwise changing the nature of any commission, he should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business appointment Rules.
13. 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.

14. 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."
15. Once the 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.

Yours sincerely

Andrea Benjamin
Committee Secretariat