



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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SIR ROBERT DEVEREUX KCB

Sir Robert Devereux has sought the Committee's advice on taking up a role with Browne Jacobson LLP.

Sir Robert was Permanent Secretary at the Department for Work and Pensions (DWP) between January 2011 and January 2018.

His last day in service was 31 January 2018.

Current application

Sir Robert seeks to join Browne Jacobson LLP as a consultant. His role will be to facilitate "thought leadership" events, organised or sponsored by Browne Jacobson; and to provide ad hoc external challenge to the development of the firm's strategy. This would be occasional work, arranged as needed, and with no prior commitment on either side.

Sir Robert was initially approached regarding this role last year, however he did not undertake any work with Browne Jacobson until 4 April 2019, following a further approach regarding this work. He subsequently attended two prior internal meetings, where he met individuals who would speak at the aforementioned event and gave some external challenge to their collective internal discussion of the firm's strategy.

He said the informal nature of this work, for which there is no contract, nor any commitment to a continuing level of work, meant he did not approach ACOBA as he had not considered it employment or an appointment - rather as a 'one-off' piece of engagement that did not require advice. However, with a recent approach from Browne Jacobson about a few days' more work, he thought it best to submit a formal application.

Sir Robert told the Committee he was aware of the restrictions placed on him under Government's Business Appointment Rules and that the work around the facilitation event involved no lobbying on behalf of Browne Jacobson, and he had not been asked to take part in any such activity.

Sir Robert stated while the majority of its work is in the private sector, the firm also works with local authorities, central government and various non- departmental public bodies (such as housing associations). The nature of the advice provided by Browne Jacobson includes employment law, property, commercial projects/ contracts, litigation and a wide range of regulatory aspects. The firm also has strength in health, insurance and education sectors.

Sir Robert informed the Committee, Browne Jacobson LLP were previously members of the Crown Commercial Service Legal Services Panel for government (RM919 - Lots 2- property, Lots 7- litigation and Lots 8 - Complex projects). It now holds a place on the Tier 2 panel, but has received no work under Tier 2 since their appointment in 2017.

Sir Robert informed the Committee that while in office, he did not have any direct contractual dealings with Browne Jacobson, nor any responsibility for anyone who had. In addition he has had no official contact with them within his last two years in office or prior; and has not had access to any commercially sensitive information about competitors of Browne Jacobson. In addition he has not, nor will he have any role representing the interests of Browne Jacobson with government.

This application was countersigned by the Permanent Secretary at the Department for Work and Pensions (DWP) and the Cabinet Office on behalf of the Cabinet Secretary, who confirmed the information provided by Sir Robert is correct.

The Commercial Directorate in DWP confirmed a single contract with Browne Jacobson, to provide legal services support for managing the expiry of a contract. This was in place between 2 March 2016 and 31 March 2018. The contract was worth £2,160,000.

In respect of the governance process, DWP confirmed its commercial spending is scrutinised by category specific Commercial Approval Boards (CAB) to ensure correct process and procurement principles are applied, that the need for and route to the commercial agreement is challenged, is robust and to ensure it offers value for money. There is no internal governance directive to refer to the Permanent Secretary specifically and as far as the records show, this would not have been cleared by the Permanent Secretary. The cut off for referral to beyond CAB is to ministers (at £5m).

Sir Robert's former Private Office have checked and confirmed there is no record of him having met with Browne Jacobson between January 2014 and 15 January 2018 when he left the department.

The Cabinet Office confirmed Sir Robert would have had access to a wide range of information, including the department's commercial strategy. However, Sir Robert stated he had no direct contractual dealing; the department confirmed the governance for commercial

spend does not involve the Permanent Secretary; and more than 18 months have passed since he left office.

The Cabinet Office also noted that although there may be a risk of perceived reward, there is no evidence to substantiate these risks; and in relation to any access to sensitive information and knowledge that may be relevant to Browne Jacobson, Sir Robert's time away from duties may mitigate the risk that his current knowledge would be of benefit to Browne Jacobson.

The Committee's consideration

The Committee¹ has taken into account both Sir Robert and the department confirmed he had no contact with Browne Jacobson while in office. Furthermore, though the Commercial Directorate in DWP have confirmed a single contract with Browne Jacobson, the Department further confirmed the Permanent Secretary is not part of the internal governance in making these types of contractual decisions. In addition, it has no record of the Permanent Secretary clearing these contacts with Browne Jacobson. The Committee considered the objective evidence showed the risk this role was offered for decision or action taken in office was low.

The Committee has taken into consideration that given his seniority in office, it could be perceived there is a risk of unfair advantage in relation to his contacts gained whilst in post. Therefore, the Committee would like to draw his attention to the lobbying ban which makes clear that the use of his contacts across Government/ Whitehall to the unfair advantage of Browne Jacobson would be inappropriate.

Though it is not his intention, the privileged information ban makes clear that it would be inappropriate for him to be involved in advising on bids or contracts relating to work with UK Government.

The Committee has also taken into consideration that 19 months have passed since he left office and is minded to agree that enough time has passed to significantly reduce any risk associated with his access to 'inside' information at DWP. The Committee considered the conditions below which prevent him from drawing on his privileged access to information and contacts from his time in office, alongside this gap, sufficiently mitigate the risk in this case.

Under the Government's Business Appointment Rules, the Prime Minister has accepted the committee's advice that this appointment with Browne Jacobson LLP should be subject to the following conditions:

- that 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;

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

- for two years from his last day in Crown service he should not become personally involved in lobbying the UK Government on behalf of Browne Jacobson LLP or its clients, nor should he make use, directly or indirectly, of his government and/or Crown service contacts to influence policy or secure business on behalf of Bowne Jacobson LLP or its clients; and
- for two years from his last day in office he should not undertake any work relating to 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.*"

Please also inform us if Sir Robert proposes 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.

We will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Tiffany Amusu
Committee Secretariat