



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>

October 2019

You approached the Committee about taking up an appointment as a Trustee with Care after Combat.

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.

The Application

You sought the Committee's advice on taking up a position as a Trustee at Care after Combat. Care after Combat is a UK based charity providing professional assistance for the well-being of Veterans and their families. This is an unpaid role and is unlikely to include any contact or dealings with the Home Office (HO), Cabinet Office (CO) or the Government more widely.

You informed the Committee that you had no dealings with Care after Combat while in office and were not aware of any formal contractual or non-contractual relationship between Care after Combat and your former department(s).

Your former department(s), the Home Office and Cabinet Office were contacted about this application. Both departments confirmed they have no relationship with Care after Combat and you had no official dealings with Care after Combat or its competitors while in ministerial office. However, it is noted you met with Care after Combat in June 2019 but this was arranged through your constituency office. Both departments also confirmed you did not make any decisions relevant to Care after Combat nor do you have access to commercially sensitive or unannounced departmental policy information which would give Care after Combat or its partners an unfair advantage.

The Committee's consideration

When considering this application, the Committee¹ took into account this appointment has no connection with your ministerial roles at the Home Office or Cabinet Office. It particularly noted you had no dealings with Care after Combat whilst in your ministerial capacity; and both departments are aware of no objective reason it might be perceived this appointment is a reward for decisions or actions in office.

It is assessed as unlikely you are aware of any specific information that might unfairly assist Care after Combat, given your role and responsibilities whilst in office were unrelated. The Committee also took into consideration your former department(s) do not believe you had access to relevant information. 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. The Committee would therefore like to draw your attention to the lobbying ban below which makes it clear that you must not make use of your contacts gained in office to the unfair advantage of Care after Combat should the seek government funding in future.

In the circumstances, the Committee's advice is that, under the Government's Business Appointment Rules, this appointment with Care after Combat 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; and

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

- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Care after Combat, nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy or secure funding on behalf of Care after Combat or its beneficiaries

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.*"

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 Caroline Nokes MP

