



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You sought the Committee's advice on setting up an independent consultancy with a commission with Global Partners Governance.

The Committee's role and remit

2. 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.

3. 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.

4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The Application

Consultancy

5. You sought the Committee's advice on setting up an independent consultancy, which you described as **providing advice, to be delivered orally and/or in writing, to assist with the overall appreciation and understanding of the economic and political environment in various countries with a particular focus on those in the Middle East and North Africa. You further stated you will assist the development of the business and assist their relationships with clients. You will also undertake visits to fulfill client aims.**

Commission

6. You also sought the Committee's advice on taking up a commission with Global Partners Governance (GPG).

7. You advised the Committee you had no official dealings with GPG whilst in office. But did meet them at public events attended by others. You further stated you were not involved in policy or contractual decisions that would have affected GPG in particular. You told the Committee you are aware that GPG are recipients of project support for Governance work from Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID). However you state that you were not part of these contractual discussions and decisions.

8. The Permanent Secretary at the FCO was contacted about this application. The Department confirmed you might have met with GPG at official functions/receptions but had no official dealings or business with GPG. The FCO confirmed it currently holds a contract with GPG, the funding for which came from a cross Whitehall fund - the Integrated Activity Fund (IAF). The FCO confirmed that you were not involved in this decision, which fell to the designated Gulf Strategy Group for IAF (via the Gulf Strategy Board, chaired by the Head of the Asia Pacific Directorate). The FCO said it was confident you are not aware of future policy directions or announcements, nor unannounced sensitive information, that would be relevant to your proposed future employment. The FCO told the Committee that GPG is a reputable organisation and it is not aware of any reason to be concerned about your potential work.

9. The Permanent Secretary of DfID was also contacted about this application. DFID confirmed it has a very limited spend/ activity with GPG and that you had no involvement in the procurement/award of this limited activity. It further confirmed you had no official dealings with GPG and no involvement in wider procurement policy. The Department noted you could be seen to offer GPG an unfair advantage due to your previous role as a DfID Minister. However, it viewed this risk as low.

The Committee's consideration

Independent Consultancy

10. When considering your application to set up an independent consultancy, the Committee² took into account that you propose to set up a consultancy in a broadly defined area, drawing on your political and economic knowledge. The Committee took into account that this broadly relates to your time in office, in so far as it draws on generic skills you gained in post. The Committee does not consider this to be improper, or present any particular risk of impropriety in itself.

11. Given the broad nature of your role, the Committee agreed with DfID there is a risk you may be seen have had some access to information that is of relevance to potential clients working in the areas you held responsibility for as a Minister. The conditions below, which apply to your consultancy generally, mitigate inherent risks presented in the broad area of your consultancy work. That includes the risk that you may have access to information and contacts that could be used unfairly. The conditions prevent: lobbying of the UK Government; the use of privileged information; and advising on the terms of bids or contracts relating directly to the UK Government. However, the Committee observed that the risks under the Rules can only be adequately considered and assessed in relation to the individual commissions you go on to take up under the consultancy

Commission with GPG

12. When considering this commission, the Committee considered whether this appointment could be perceived as a reward for decisions taken in office. Whilst there is a substantial contract between HMG and GPG in relation to FCO work, the Department confirmed you have no involvement in this and there is a specific strategy group responsible for the decision to fund this work, which was funded via and cross Whitehall investment fund. You had no no official dealings with GPG and no involvement in the procurement or funding decisions in relation to contracts with each department. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.

13. The Committee noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government to the unfair advantage of GPG. As GPG is likely to want to enter into further contractual discussions with both the FCO and DfID the Committee would also like to draw your attention to the ban on providing advice on the terms of a bid or contract relating directly to the work of the Government.

14. The Committee also noted the departments confirmed you were not involved in policy development in relation to GPG. However, by virtue of your role it could be perceived that you may offer an unfair advantage to GPG given your access to information that may be of interest and relevance to GPG's work. However, FCO and DfID confirmed you had no access to sensitive information that could be seen to provide GPG with an unfair advantage. Further the Committee note that 9 months have now passed since you were in office and

² This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Richard Thomas; Lord Larry Whitty; Mike Weir and John Wood.

considered the remaining risk is appropriately mitigated by the conditions below, which include a ban on using privileged information.

15. The Committee also noted that you have previously worked with GPG.

The Committee advises that when seeking work and/or commissions, you should adhere to the conditions below. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment to set up an independent Consultancy and your commission with Global Partners Governance 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 office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the Government on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those you advise under your independent consultancy (including parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or 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 Government; and
- for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you 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.

16. 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.

17. 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."*

18. I should be grateful if you would inform us as soon as you take up this consultancy and/ or commission, 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 Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

19. Once this consultancy is in operation, or has been publicly announced, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Rt Hon Alistair Burt

The Baroness Browning

