



## **OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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1. You asked for the Committee's advice about taking up an appointment with Access - The Foundation for Social Investment (Access).

### The Committee's remit

2. It is the Committee's role to advise on any 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.
3. 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.

### Appointment details

4. You sought the Committee's advice on taking up a paid and part-time role with Access as a Non-Executive Chairman.
5. Access was launched in 2015 with the support of its partners: the National Lottery Community Fund, Big Society Capital and the Cabinet Office (responsibility has since moved to DCMS). It works to make charities and social enterprises in England more financially resilient and self-reliant, so they can sustain or increase their impact. Access was created by Big Society Trust working in collaboration with its partners. The Big Society Trust established Access to invest funds alongside Access. Together, Access and Big Society Capital help charities and social enterprises throughout their development to achieve greater social impact.

6. Access fulfills its role via two methods:
  - **Enterprise Development** - Programmes to support charities and social enterprises to increase and diversify income through enterprise activity, and explore how social investment can help; and
  - **Blended Finance** - programmes providing the types of social investment which charities and social enterprises most need.
7. Access is already funded in part by an endowment of £60 million to be spent over ten years. The endowment was originally given by the Cabinet Office and is now being continued by DCMS following the relocation of The Office for Civil Society in 2016.
8. You said your role as Non-Executive Chairman will be to make sure the organisation complies with its mission and charitable objectives. This entails taking part in stakeholder engagement, including the Government which has some accountability to the public for use of dormant assets. You said contact with the Government may also include providing updates for the purposes of accountability; and conversations about policy in relation to further development of the Social Investment Market in the UK.
9. You informed the Committee you had no contact with Access in your most recent role with the Northern Ireland Office (NIO). However, you noted that as Minister of Civil Society (between 2010 and 2014) you led much of the Government work to build the UK social investment market which included the establishment of Big Society Capital - Access' parent company.
10. You informed the Committee you had no involvement in policy decisions (beyond the above); and are not aware of any relationship, either contractual or non-contractual, between your prospective employer and your former department. You also said it was relevant that Access was set up with a ten year life, and is fully funded for the mission.
11. The Northern Ireland Office was contacted about this application confirming the details you provided.

#### The Committee's consideration

12. This role is not directly related to your recent time in office, though the Committee<sup>1</sup> recognised as Minister of Civil Society between 2010 and 2014, you led much of the Government work to build the UK social investment market. This included the establishment of Big Society Capital which is a stakeholder/ co-investor with Access. The Committee has therefore given consideration to the risk, under the Business Appointment Rules, that this appointment may be seen as a reward for your time in office. The Committee considered it relevant that a number of years have passed and there has been a significant gap between your responsibility in this area and you taking up this role. In these circumstances, the Committee considered the risks are low.

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Johnathan Baume; Baroness Browning; Terence Jagger; Richard Thomas; Mike Weir, Lord Larry Whitty; John Wood. Dr Susan Liautaud was unavailable.

13. The Committee noted you have not had access or involvement with any relevant policy in your recent ministerial role and this work is unrelated to your recent ministerial positions. Therefore, the Committee considered there should be no reasonable concern that Access/ Big Society Capital would gain an unfair advantage as a result of your time in office.
14. The Committee also took into account this role is likely to involve contact with wider Government for purposes of accountability or conversations about policy in relation to further development of the Social Investment Market in the UK. The Committee considered that reporting to the Government, in line with your role as described above, would not be improper. Although it is also relevant that Access is already funded for its mission, it is likely that further discussions regarding funding will be necessary at some stage in the future. The Committee considered it would not be appropriate if there was any suggestion your influence as a former minister could unfairly influence Government on Access/ Big Society Capital's behalf.
15. The lobbying ban below makes it clear that direct engagement with Government on wider issues would not be improper if it is at the request of the Government, and you do not improperly make use of your contacts in Whitehall/Government. Nevertheless, the Committee would draw your attention to the conditions imposed which make clear that any use of your contacts gained across Government/ Whitehall to lobby Government on behalf of Access/Big Society Capital should it seek further funding or look to influence government policy, would be inappropriate.
16. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:
  - 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 Crown service; and
  - for two years from your last day of service you should not become personally involved in lobbying the UK Government on behalf of Access or Big Society Capital or any of its members (including parent companies, subsidiaries and partners), nor should you make use, directly or indirectly, of your government/Whitehall contacts to influence policy, secure funding/business or otherwise unfairly advantage Access or Big Society Capital or any of its members (including parent companies, subsidiaries and partners). This is not intended to prevent you from reporting to the Government on the activities of Access/Big Society Capital, or engaging in discussions relating to policy as it pertains to development of the Social Investment Market. However, it would prevent you from making use, directly or indirectly, of his Government and/or Crown service contacts to influence policy or secure business/funding or otherwise unfairly advantage Access or Society Capital or any of its subsidiaries partners or clients.
17. 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.

18. 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."
19. I should be grateful if you would inform us as soon as you take up this appointment with Access 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.
20. 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.
21. 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.

The Baroness Browning

The Rt Hon Nick Hurd MP