



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

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**BUSINESS APPOINTMENT APPLICATION: James W.D. Marshall CBE**

1. The Committee has been asked to consider an application from James Marshall CBE, former Special Adviser and Director of the Prime Minister's Policy Unit for Domestic policy at No.10. He seeks to take up an appointment with Macro Advisory Partners (MAP).

Appointment Details

2. Mr Marshall sought advice on taking up an appointment with MAP as a paid, full time Director for the company.
3. MAP is a financial and strategic consultancy which advises corporate, investment and government organisations on strategy for global markets, geopolitics and policy. Its website states that its advice '*is drawn from the policy expertise and connectivity of our global network, supported by advanced data analytics*'. MAP advises on a wide range of policy issues including Chinese and Middle Eastern market strategy and energy and technological developments.
4. Mr Marshall stated his role will include a number of responsibilities. These will include:
  - leading the firm on political content;
  - leading specific client engagements and relationships;
  - gathering insights and judgements from Senior Advisors and Contributors with a focus on UK / UK and EU politics and policy;
  - contributing to business development initiatives and line management

Mr Marshall also stated this role will involve no contact with Government.

5. Mr Marshall stated he had not met with MAP whilst in office and was not involved in any relevant policy development or decisions which would have affected the company specifically.
6. The Cabinet office countersigned this application and confirmed the information provided. The Department noted that due to Mr Marshall's seniority and role profile

in Government, he would have been exposed to a wide range of sensitive policy information. The Cabinet Office considered the nine month gap between his last day in office and the proposed start date alongside the change in administration in that time to be significant. It therefore determined it was unlikely that Mr Marshall would provide an unfair advantage so long as he maintained the confidentiality of privileged information.

### The Committee's Consideration

7. When considering Mr Marshall's application the Committee<sup>1</sup> took into account that, given the broad nature of his role as Director of Policy at No.10, any role Mr Marshall wishes to take up will likely be considered to have some relevance to his time in office. The nature of his role with MAP and the broad and unspecified clientele base of the company also means there is potentially a significant overlap between his proposed role and his time in service.
8. The Committee assessed that the potential for this appointment to be seen as a reward for decisions made in office as low, given confirmation from Mr Marshall and the Cabinet Office that he had no official dealings with MAP, nor decisions especially relevant to them. Instead, the greater risk in this case is whether the appointment could offer insights and connections unique to your time in office that might give MAP an unfair advantage.
9. The Committee agreed with the Cabinet Office that the time elapsed since his time in post as well as the changes in administration since then help to mitigate these risks. It is fair to suggest the information he had access to will no longer be sufficiently up to date to offer significant unfair advantage. However, Mr Marshall did have unique access to Government policy across a broad range of areas which may be seen to benefit any business. In addition, the clients Mr Marshall will be involved with in his role at MAP are unknown given the nature of its work. Therefore the Committee considered it appropriate to impose a condition prohibiting him from working on matters related to policy he had a material role in developing or determining in office (or where he had a relationship with the relevant client during this time). The Committee considered this condition, alongside the ban on the use of privileged information that applies to all former Crown servants sufficiently mitigates the risk he may be seen to offer an unfair advantage in this regard.
10. The Committee also noted that as a Special Adviser, Mr Marshall is required to confirm in writing to his department that he recognises that he continues to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by his duty of confidentiality owed to the Crown.
11. The Committee also considered there to be a risk that Mr Marshall could use his Whitehall contacts to the unfair benefit of MAP. The Committee would therefore draw Mr Marshall's attention to the condition below, preventing him from lobbying government or using his Whitehall contacts to the unfair advantage of the company. It was also deemed necessary that a condition be put in place preventing Mr Marshall from advising MAP or its clients on any bids or contracts.

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Johnathan Baume; Dr Susan Liautaud; The Rt Hon Eric Pickles; Richard Thomas; Lord Larry Whitty; John Wood.

12. The Committee's recommendation to the Permanent Secretary is that, under the Government's Business Appointment Rules, this appointment be subject to the following conditions:
- for two years from his last day of service 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 (including unannounced or impending information on policy or other matters from your time in Crown service);
  - for two years from his last day of service he should not become personally involved in lobbying the UK Government on behalf of Macro Advisory Partners or clients (including parent companies, subsidiaries and partners); nor should he 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 or otherwise unfairly advantage them;
  - for two years from his last day in Crown Service he should not undertake any work with MAP or clients (including parent companies, subsidiaries and partners) that involves providing advice 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; and
  - for two years since his last day in Crown service, he should not advise Macro Advisory Partners or its clients (including parent companies, subsidiaries and partners) on work with regard to any policy decisions in which he had a material role in developing or determining as Director of the Prime Minister's Policy Unit, or where he had a relationship with the relevant client during his time as Director of the Prime Minister's Policy Unit at No.10.
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, the Civil Service Code 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. I should be grateful if you would ensure that we are informed as soon as Mr Marshall takes up this position, or if it is announced that he will do so (I enclose a form for this purpose). We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.
16. I should also be grateful if you would ask that Mr Marshall informs us if he proposes to expand or otherwise change the nature of his position, depending on the circumstances, it may be necessary for him to make a fresh application.

17. Once Mr Marshall has taken up this position or he has announced this is the case, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely

Sam Lynch  
**Committee Secretariat**