



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 has taken up an appointment with Weber Shandwick.

Timing

2. The Business Appointment Rules (the Rules) make it clear that applicants should receive advice before accepting or announcing a new appointment or offer of employment. It came to the Committee's attention whilst considering Mr Marshall's application that he had already taken up his position with Weber Shandwick.
3. The fact that Mr Marshall has started his role at Weber Shandwick without waiting to receive his advice from the Committee is therefore in direct contradiction to the Rules, which he is required to follow by virtue of the Special Advisers Code of Conduct.
4. The Rules also specify that retrospective applications will not normally be accepted. In such cases the Committee cannot consider applications fully and freely; and in a manner that will command public confidence if an appointment has already been announced and/ or taken up.
5. The Committee notes Mr Marshall told the Cabinet Office he attempted to mitigate the risks posed in his new role until the Committee's guidance was received by way of an induction period. However, the Committee does not consider induction periods remove the risks that the individual could be seen to offer an unfair advantage to the employer and its clients during this period. Mr Marshall said he takes full responsibility for his oversight and has offered sincere apologies to the Committee.
6. Mr Marshall considered his approach was justified in the circumstances. However, he is subject to the Rules and by accepting his role without first seeking and receiving advice from the Committee he was in clear breach of the

Rules.

7. The Committee does not usually consider retrospective cases. However, in the particular circumstances of this case, the Committee considered that the risks under the Rules meant that the public interest would best be served if advice is provided to the applicant and the risks mitigated. Therefore the Committee decided, exceptionally, to provide advice in this case.

Appointment Details

8. Mr Marshall sought advice on taking up an appointment with Weber Shandwick as a Senior Advisor - a paid, part-time role involving 2 days of work per month.
9. Weber Shandwick is a public relations company which operates in a number of 'practices' and 'specialisms' including: Public Affairs; Brexit; Consumer Health; Employee Engagement & Change; Research and Strategic Planning and Analytics. It operates globally and is based in the US with headquarters in New York.
10. Mr Marshall stated his role will be to advise on the UK political landscape and domestic policy to clients, such as the likely developments in policy across the next 12 months and how the Conservatives will likely deliver their 2019 manifesto in practice. Mr Marshall said no potential or specific clients had been identified. He also stated this role will involve no contact with Government.
11. As Director of the Prime Minister's Policy Unit, Mr Marshall stated he did not meet with Weber Shandwick directly, however he did meet with the company Mandelez to discuss childhood obesity, arranged via a Weber Shandwick representative. He said he had no other official contact with Weber Shandwick. Mr Marshall noted that as a result of his position he met with a range of companies that may have been competitors of Weber Shandwick, though he was not involved in policy development or any contractual decisions that would have affected Weber Shandwick or the wider public affairs industry.
12. The Cabinet office and Director General and Deputy Secretary to the Cabinet confirmed the details provided by Mr Marshall are accurate and the Cabinet Office has no relationship with Weber Shandwick.
13. The Cabinet Office also noted that due to his role as the No.10 Director of Policy he would have been involved in a wide range of information whilst in post that may or may not be relevant to Weber Shandwick and its clients. The Cabinet Office recommended the usual conditions be applied in this case with respect to preventing Mr Marshall from lobbying the Government and using privileged information he had access to in office.

The Committee's Consideration

14. When considering Mr Marshall's application the Committee¹ 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. However, the Committee noted he did not meet with Weber Shandwick directly and only via a third party on one occasion. Further, he made no

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

policy or contractual decisions with regard to Weber Shandwick or the wider public affairs industry specifically. As such, the Committee considered the risk he was awarded the position for decisions or actions made in post is low.

15. The Committee noted that in his role as Director of Policy at No.10, Mr Marshall will have had access to a wide range of privileged information (such as on technology, housing, Brexit, the NHS) which could be seen to unfairly benefit Weber Shandwick and its clients. Additionally, the Committee noted Mr Marshall is unaware of specific potential clients he may advise, thus, proving difficult to identify any potential conflict with his time in office in relation to these potential companies. To mitigate this, the Committee has also considered it appropriate to impose a condition prohibiting him from advising Weber Shandwick or its clients with regard to any policy decisions 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 this time.
16. The Committee's advice is therefore 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 Weber Shandwick or clients (including parent companies, subsidiaries and partners); nor should not 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 Weber Shandwick 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;
 - For two years your last day in Crown service, he should not advise Weber Shandwick or its clients 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.
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 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.
20. We will publish this letter on the Committee's website and refer to it in the relevant annual report.

Yours sincerely

Sam Lynch
Committee Secretariat