



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>

May 2020

1. You approached the Committee about taking up an appointment as a Consultant to the Government of the Cayman Islands.
2. Your position in Government was as Minister of State at the Foreign Commonwealth Office (FCO) and your last day in ministerial office was 25 July 2019.

The Committee's role and remit

3. 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.
4. 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.
5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The Application

6. You sought the Committee's advice on taking up a paid and part time position as a Consultant for the Government of the Cayman Islands.

7. Your work would be with the Cayman Islands Government Office (CIGO) in the UK, a six man team headed by the Cayman Islands' representative to the UK Andre Ebanks, alongside its other consultants. You noted this includes two PR firms CIGO has employed to work with it on matters of advocacy.

8. You told the Committee that your role would be guiding relationships especially in the financial and professional services sphere and advising on strategic planning, risk analysis and promoting key economic pillars. You described your role as primarily ambassadorial and advisory. Given the nature of the Cayman Islands' relationship to the UK you noted that in order to assist CIGO in its goals you would likely have contact with Government and your former department.

9. You were informed of the role after leaving Parliament by the Cayman Islands representative whom you have known for many years as a Parliamentarian. You subsequently applied and interviewed alongside three other applicants.

10. You advised the Committee that during your time in office you did not meet with the Cayman Islands Government in a Ministerial capacity. You did have meetings with the CIGO as it was part of your constituency as MP for the City and Westminster however this was not in relation to any matters to do with the FCO or your position as Minister.

11. Your former department, the Foreign and Commonwealth Office (FCO) was also contacted in regard to this appointment. The FCO stated it had no record of you meeting the Cayman Islands Government in your capacity as Minister; you were not involved in policy decisions relating to the Government of the Cayman Islands; and it did not believe you had access to sensitive information, such as unannounced policy. However the FCO noted your overall responsibility as the lead on economic and trade policy whilst you were Minister of State.

12. The FCO stated that as a British Overseas Territory the relationship between the Government of the Cayman Islands and the FCO '*goes beyond contractual*'; and the Foreign Secretary is ultimately responsible for what takes place in said territories (although they remain constitutionally separate from the UK). Therefore the two Governments are closely aligned on policy aims and international goals. Contact between the two bodies' corresponding departments already exists. The FCO holds ultimate responsibility for the territory however it has its own separate legislature and courts system which functions independently of the UK.

13. The FCO has no concerns about you taking up this appointment.

The Committee's consideration

14. When considering your application, the Committee¹ considered whether this appointment could be perceived as a reward for decisions taken in office. Whilst the Committee notes and is cognisant of your meetings with CIGO these were held in your capacity as an MP rather than in relation to your role as Minister. You did not have any official dealings with the Government of the Cayman Islands whilst the Minister of State and the FCO confirmed you were not involved in policy decisions that would have affected the Government of the Cayman Islands. Therefore, the Committee did not consider it could reasonably be perceived you were offered this role as a reward for decisions made in office.

15. The Committee noted that given the contacts you will have gained from your time in office, there is a risk this could be seen to unfairly advantage the GCI. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of the GCI. However, the Committee noted your role would likely involve some contact with the UK Government and therefore considered whether that would be proper. In doing so the Committee considered the nature of the relationship between the UK and the Government of the Cayman Islands and therefore what advantage you would pose should you take up this appointment. The Committee noted comments from the Department about the '*ongoing responsibility*' that the UK has for the Cayman Islands and also considered the fact that the Governor is themselves a FCO employee. Considering there is already contact between the two governments and that the FCO holds ultimate responsibility for the territory and the wellbeing and health of its inhabitants, the Committee saw the risk of you offering an unfair advantage to GCI via contact in and of itself to be low. Additionally the FCO has no concerns with you making contact. The Committee considered this would not be inappropriate, if such contact was limited to matters aligned with the UK Government policy. The Committee notes this is in keeping with the role as you have described it. However the Committee would draw your attention to the restriction on lobbying the UK Government below which makes clear you must not make improper use of your contacts and influence in HMG to improperly benefit CGI.

16. The Committee note you were lead for the FCO on economic and trade policy as well as in other key foreign policy areas. However the Committee considered the risks associated with your access to information were low, given the policy alignment between the two Governments; the 10 months that have passed since your time in office; the Department's register of no concerns; and the condition applied to all former ministers that prevents you from drawing on privileged information gained whilst in office.

17. The Committee further considered that though we note the Cayman Islands Government does not receive funding from the UK Government, there are overseas territories that do. Therefore in order to combat the risk that you may have an undue input in a bid for funding the Committee has applied a condition preventing you from advising the Government of the Cayman Islands on the topic of any bids and contracts, as below.

18. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as a Consultant for the Government of the Cayman Islands will be subject to the following conditions:

¹ This application for advice was considered by Jonathan Baume; Dr Susan Liautaud; Rt Hon Lord Eric Pickles; Richard Thomas; Mike Weir and John Wood.

- 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 Ministerial office;
- For two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of the Government of the Cayman Islands (or any other agency or consultant of the Government of the Cayman Islands) . This would not prevent you from having contact with the UK Government to discuss the Cayman Islands on matters aligned with Government policy. However, it would prevent you from making use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit the Government of the Cayman Islands or the Cayman Islands Government Office in the UK (or any other agency or consultant of the Government of the Cayman Islands)
- for two years from your last day in office you should not advise the Government of the Cayman Islands (or any other agency or consultant of the Government of the Cayman Islands) on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government.

19. 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 Ministerial Code/ Civil Service Code or otherwise.

20. 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.*"

21. I should be grateful if you would inform us as soon as you take up this appointment, 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.

22. Once this 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.

Rt Hon The Lord Pickles

The Rt Hon Mark Field