



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Dame Sue Owen DCB

Dame Sue sought advice on accepting a Chair of Governors position with the *Governors of Royal Ballet*.

Dame Sue was Permanent Secretary at the *Department for Digital, Culture, Media and Sport* (DCMS) from October 2013 to April 2019. Her last day in office was 24th April 2019.

Application

Dame Sue sought the Committee's advice on taking up a role with the *Governors of Royal Ballet* (GRB) - an organisation which safeguards the reputation of the *Royal Ballet*, *Royal Ballet Birmingham* and *Royal Ballet School*; and the reputation of the *Royal Ballet* as a whole. In this letter where we refer to the *Royal Ballet*, we refer to this wider conglomerate of bodies collectively.

Dame Sue has been invited to Chair GRB on an unpaid, part-time basis, with a time commitment of 4 days a year.

As Chair, Dame Sue will oversee any decisions made in relation to upholding the positive reputation of the bodies within the group. Dame Sue mentioned GRB rarely intervenes in decisions made by the Board of the three organisations (only twice in the last 50 years) and that the GRB itself has an income and expenditure of £6,000 per annum.

Dame Sue also confirmed that she had no previous dealings, direct or indirect, contractual and non-contractual with GRB while in post.

Departmental View

From the Chair

DCMS provided the departmental assessment and supporting evidence for this application.

DCMS noted that, as Chair of GRB, Dame Sue will: *“uphold the Royal Ballet to its current high standards, lead the rest of the Governors in helping to maintain and promote the Royal Ballet, and have oversight of the Board to check that they are operating in line with expectations. She will also take an active view on the productions that are planned.”*

DCMS confirmed Dame Sue had no previous engagement or relationship with GRB while in office and that the department did not either.

Notably, DCMS also confirmed it does not fund GRB or the bodies under it. However, DCMS noted GRB may receive funding from *The Arts Council* - an Independent Arms-Length body.

DCMS stated that it has no reservations on Dame Sue taking up this post.

Analysis and Recommendation

The Committee¹ noted DCMS confirmed Dame Sue did not have any involvement with GRB and that neither she, nor the department had any contractual or non-contractual relationship with the organisation while she was in post. Given this, and confirmation that the position with GRB is an unpaid role, the Committee considered it is reasonable to conclude the risk Dame Sue was offered this position as a reward for decisions made in post, is low.

However, the Committee noted there is a connection between GRB and Dame Sue's time in office in so far as the GRB operates within Arts and Culture; and DCMS is the government department responsible for Arts and Culture. The Committee noted this may lead to the risk Dame Sue could be seen to offer GRB an unfair advantage. As Dame Sue was Permanent Secretary at DCMS, she would have had access to policy and sensitive information relating to securing grants, bids and contracts, during her time in office; and access to a network of contacts within DCMS. As a result, her knowledge and access, could be seen to offer an unfair advantage should the organisation seek to influence policy or apply for funding in the future.

However, as a former Permanent Secretary, Dame Sue is subject to a waiting period of three months under the Government's Business Appointment Rules - this waiting period provides a gap between access to a wide range of sensitive information Permanent Secretaries have had access to. The Committee considered that this, alongside the conditions below, mitigate the risks of unfair advantage in this case. The conditions below make it clear that Dame Sue should not make use of her Crown service contacts to the unfair advantage of GRB, nor become involved in work for GRB that includes an application for funding from the UK Government.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Baroness Helen Liddell; Richard Thomas; John Wood; Baroness Browning and Lord Michael German. Dr Susan Liataud was unavailable.

From the Chair

Under the Government's Business Appointment Rules, the Committee's advice is Dame Sue's appointment with the *Governors of Royal Ballet* should be subject to the following conditions:

- a waiting period of three months from Dame Sue's last day in Crown service;
- that Dame Sue should not draw on (disclose or use for the benefit of herself or the organisations to which this advice refers) any privileged information available to her from her time in Crown service;
- for two years from her last day of service Dame Sue should not become personally involved in lobbying the UK Government on behalf of the *Governors of Royal Ballet*, the *Royal Ballet* or their subsidiary bodies or partners. Nor should she make use, directly or indirectly, of her Government and/or Crown service contacts to influence policy or secure funding on their behalf;
- for two years from her last day in Crown service, Dame Sue should not become involved in working on or advising on, the subject matter/ terms of a bid or contract relating directly to the work of, or an application for public funding from, the UK Government.

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.

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.*"

Please also inform us if the Dame Sue proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application.

Once the 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.

Andrea Benjamin
Committee Secretariat

