



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: LIEUTENANT GENERAL SIR MARK POFFLEY KCB OBE

1. The Committee has been asked to consider an application from Lieutenant General Sir Mark Poffley, former Deputy Chief of Defence Staff at the Ministry of Defence (MOD), on establishing an independent consultancy.

Appointment Details

Independent consultancy

2. Lt Gen Sir Mark described his independent consultancy as providing advisory services to international governments and other international entities on how to develop coherent military capabilities for the future.

3. Lt Gen Sir Mark informed the Committee he had some involvement in policy decisions by way of providing advice on military capability across the Department. He also said that as a member of the investment approvals committee, either he, or his staff had dealings with defence companies to understand their products. However, he said he had no direct contractual dealings generally, nor responsibility for anyone who did.

4. The MOD Business Appointments Panel considered Lt Gen Sir Mark's application and confirmed the information he provided. The MOD stated it could be argued that as part of the investment approvals committee he was responsible for assessing capability requirements against the Department's policy, although he was not alone in that responsibility.

5. It confirmed Lt Gen Sir Mark did not rule on tender evaluation beyond this area and had no authority over contractual compliance or tender evaluation. Though, as above, it noted he was on the investment approval committee.

6. The MOD recommended that Lt Gen Sir Mark's independent consultancy be subject to restrictions which prevent:

- the use of privileged information, such as '*commercially sensitive information or not-yet-announced decisions on strategy, policy, or delivery*'
- lobbying the UK Government on behalf of himself or his clients
- lobbying contacts developed during Crown Service in other Governments or organisations to secure business for his consultancy
- working on bids and contracts related to the work of the MOD or its trading funds.
- providing advice on military capabilities in the UK Defence market

7. Additionally, that Lt Gen Sir Mark should seek advice from the Committee for each additional commission he wishes to take up.

The Committee's Consideration

8. When considering Lt Gen Sir Mark's application to set up an independent consultancy, the Committee¹ took into account that he proposed to work on matters broadly related to his time in office - drawing on generic skills gained while in office. The Committee noted his role within the MOD focused on providing advice on UK capabilities whilst his consultancy will do so outside the UK. Therefore, the perception he could be seen to offer an unfair advantage generally is low.

9. The conditions below apply to his consultancy to mitigate the inherent risks in the broad area of consultancy work. The conditions prevent: lobbying of the UK Government and contacts gained in office; the use of privileged information; and advising on the terms of bids or contracts relating directly to the MOD.

Future commissions

10. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission Lt Gen Sir Mark proposes to take up will depend on the specific details of each piece of work. Further conditions may be appropriate. As is usual in such cases, General Sir Mark will need to seek advice from the Committee for each commission he wishes to accept.

11. The Committee will consider with each commission whether the restrictions below sufficiently mitigate the risk attached and will decide whether each commission is consistent with the terms of the consultancy, considering any relevant factors under the Business Appointment Rules. The Committee would draw his attention to the fact that, in particular, the nature of any work in the UK defence sector will need particular consideration. For example, should Lt Gen Sir Mark seek to work on matters he had direct responsibility for in office, the Committee would consider whether a waiting period may be required. The Committee will consider such risks on a case by case basis.

12. When seeking work and/or commissions, Lt Gen Sir Mark is advised to adhere to the conditions below.

13. The Secretary of State for Defence accepted the Committee's advice that, under the Government's Business Appointment Rules, Lt Gen Sir Mark's application to set up an independent consultancy be subject to the following conditions:

- that 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;

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

- for two years from his last day of service he should not become personally involved in lobbying the UK Government on behalf of his 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/ funding or otherwise unfairly advantage his clients;
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during Crown service, within other Governments and organisations, for the purpose of securing business for his independent consultancy, its subsidiaries, partners or clients;
- for two years from his last day in Crown service, he should not provide advice to any company or organisation 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 MOD or its trading funds; and
- for two years from his last day in Crown service, before accepting any commissions for his independent consultancy and or/before extending or otherwise changing the nature of his commissions, he should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

14. 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.

15. 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."*

Yours sincerely

Cat Marshall
Committee Secretariat