



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Dame Sue Owen DCB

1. The Committee has been asked to consider an application for Dame Sue Owen DCB, former Permanent Secretary for the Department for Culture, Media and Sport (DCMS) between 01 October 2013 - 24 April 2019. Her last day in service was 24 April 2019.

Application Details

2. Dame Sue sought advice on taking up a paid, part-time role as a Non Executive Director, with Serco Group plc (Serco). Dame Sue told the Committee the Serco is an international services and outsourcing company, providing essential services to national and local governments. It is a focused Business-to-Government provider, specialising across five sectors: Defence, Justice & Immigration, Transport, Health and Citizen Services. It delivers these services internationally from its operating units in the UK & Europe, North America, Asia Pacific and the Middle East. Dame Sue said around 60% of revenues are from outside the UK. Dame Sue said the key activities within these segments include:
 - operating as part of a consortium to function the UK Government's secure defence satellite communications network;
 - providing non-clinical services at 20 major hospitals worldwide;
 - providing housing and care for asylum seekers in the UK and Australia, running prisons in UK, Australia and New Zealand;
 - providing air traffic control in North America and the Middle East, operating the Dubai metro and the Caledonian Sleeper.
3. Dame Sue stated her role will be a Non-Executive Director of Serco Board, and member of audit and risk committees. She said as a Business to Government company, it deals directly with governments. However, she notes any contact with

the government is done via the executives team. She noted that Non-Executive board members may advise on how government works and the structure of decision making, but she will have no direct contact.

4. With regard to her time in office, Dame Sue confirmed she was neither responsible for, nor personally involved in, any decisions relating to the company. Also, she did not have any contact with Serco while in office. Dame Sue confirmed that she did not have access to commercially sensitive information on competitors. She highlighted to the Committee that she is not aware of Serco having a contract with any department she has worked with while being in government.
5. DCMS and the Cabinet Office countersigned this application. Both confirmed the details she provided above, including that she has no dealings with Serco in office, nor does DCMS have a relationship with Serco¹. Cabinet Office did note that Dame Sue's role was both high profile and senior and as the former Permanent Secretary, she would have had access to a wide range of policy information, some of which could be of general use to the company. However both departments have no concerns over this appointment and confirmed any risks would be mitigated by the ban of the use of privileged information and a lobbying ban.

The Committee's Consideration

6. The Committee² noted that Dame Sue had no official contact with Serco; made no policy or commercial decisions on the company and was not responsible for anyone who did. As such, the Committee considered the risk of reward for actions taken or decisions made in office here is low.
7. The Committee took into account that as former Permanent Secretary, Dame Sue would have had access to sensitive information on a broad range of issues and noted the Department's comment that it could be of general use to the company. Given Serco's business, board discussion would inevitably involve discussion regarding the UK Government as Serco has a number of contracts with various departments, some of which have come under criticism due to failures to meet contractual obligations. The Committee carefully considered if this was appropriate.
8. The Committee noted Dame Sue was a senior official at DCMS which has no relationship with Serco; 14 months have now passed since she was in office; neither Cabinet Office nor DCMS has any concerns about her taking on this role; and no there is no evidence of her having access to sensitive information. As such, the risk she would offer an unfair advantage in this regard, as opposed to offering her general skills, experience and knowledge is low. Therefore, the Committee did not consider her discussion on Serco's business, including that which it carried out with the UK Government would be improper in her role as a Non-Executive Director.

¹ Serco does have a contract with Sports England, an arms length body of DCMS.

² This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liataud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

9. However, the Committee it would be inappropriate for any former Permanent Secretary subject to the Government's Business Appointment Rules to have any influence over its work and/or dealings with the UK Government. Therefore, it would draw her attention to the conditions below which prevent advising on the terms of a bid or contract with the UK Government; and lobbying the UK Government on Serco's behalf.
10. The Prime Minister accepted the Committee's advice that this application with **Serco Global plc** should be subject to the following conditions:
 - she 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 in Crown service, she should not become personally involved in lobbying the UK Government or its Arms Length Bodies on behalf of Serco Global plc (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the Government, arms' length bodies and/or Ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage Serco Global plc (including parent companies, subsidiaries, partners and clients); and
 - for two years from her last day in Crown service, she should not provide advice to Serco Global plc on the terms of a bid with, or contract relating directly to the work of the Government or arms' length bodies, or to the subject matter of bids or contracts in areas that fell within her departmental portfolio.
11. 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 or otherwise.
12. 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."
13. I should be grateful if you would inform us as soon as Dame Sue Owen takes up this appointment, or if it is announced that Dame Sue Owen 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 Dame Sue Owen has complied with the Rules.
14. Please also inform us if Dame Sue Owen proposes to extend or otherwise change the nature of appointment as, depending on the circumstances, it may be necessary for

her to make a fresh application.

15. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely

Isabella Wynn

Committee Secretariat