



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Ian Duncan of Springbank

1. The Committee has considered your application to work with the National Forest Company as its Chair.
2. Your last day in office was 13 February 2020.

The Committee's role and remit

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

Appointment Details

7. You sought the Committee's advice on taking up an unpaid part time role as Chair for the National Forest Company (NFC). The role was advertised and you were informed of it through a recruitment agency.
8. The NFC leads the creation of the National Forest, a wooded landscape for the nation across 200 square miles of central England. It is a charity and non-profit institution within the Public Sector, as an arms length body of the Department for Environment, Food and Rural Affairs (Defra) which it is sponsored by. The description you attached described this role as Chair as overseeing the organisation on matters of strategy, leadership and relationship building. This would involve:
 - being responsible for setting the direction of the company's plans and policies
 - general governance
 - extending and deepening relationships with the Government and other partner companies
 - helping position NFC with other Whitehall departments
 - ensuring the development of sustainable income generation
 - managing stakeholder relationships including with some government departments.
 - culture and reputation development
 - chairing board meetings
 - reviewing board performance
9. The appointment is for three years, with two to three days required per month. As shown above the role would require contact with the Government. However you stated that the principal lead on these matters would be the CEO rather than yourself as Chair and that there was no involvement anticipated between you and your previous departments.
10. You informed the Committee you had no contact with NFC during your time in office and had no involvement in policy decisions or development during your time in office that would have impacted NFC. He also did not make any commercial or contractual decisions that would have affected NFC.
11. NIO and BEIS were contacted about this application confirming the details you provided. Both stated they had no further concerns regarding this appointment. BEIS noted you did work on international climate finance support for forests in developing countries but this would not have impacted NFC.

The Committee's consideration

12. The Committee¹ noted that whilst in a broadly similar area your role is not directly related to your responsibilities in office. It particularly noted you had no dealings with the organisation whilst in office; and it is aware of no reason it might be perceived this unpaid appointment is a reward for decisions or actions taken in office.
13. The Committee also noted that as a former Under Secretary of State at BEIS you may have had general access to policy and information that could be perceived to benefit any organisation, including NFC. However, the departments confirmed you have not had access to information or involvement with any specific policy that would risk you offering an unfair advantage to NFC. Therefore, the risks associated with your access

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty; Dr Susan Liautaud and John Wood

to sensitive information is low. However, the Committee would also draw your attention to the ban on using privileged information.

14. The Committee noted you propose to have some contact with the Government. As it is an Arms' Length Body of Defra there would certainly be contact with the Department and the role profile you sent states that the Chair's role is to help position the NFC with other Government departments too. As the NFC is a charity focused on the reforestation of a particular area of the UK, and is already a stakeholder of the Government as it is an Arms' Length Body, the risk of unfair advantage are not present in the commercial sense. The Committee did not consider it improper for you to have contact with the Government in line with your role as Chair. However, the Committee would draw your attention to the lobbying ban imposed below, which makes it clear you should not use your contacts in government to the unfair advantage of NFC.
15. Further, the restriction below on providing advice on the terms of a bid or contract relating directly to the work of the UK Government prevents you from providing an unfair advantage to NFC in respect of any future bid for funding from the UK Government as a result of your time in office as a Minister.
16. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or its Arms' Length Bodies on behalf of the National Forest Company (including parent companies, subsidiaries and partners). This would not prevent you from having contact with the UK Government to discuss the work of the National Forest Company in line with your duties as Chair. However, it would prevent you on making use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit the National Forest Company (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in office you should not advise the National Forest Company or its partners or clients on the terms of a bid or contract with, or relating directly to the work of, the UK Government or its Arms' Length Bodies.
17. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Lords.
18. 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.
19. 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."

20. I would be grateful if you would ensure that we are informed as soon as you take up your role or the NFC announces it. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.
21. Once you have taken up your role/it has been announced we will publish this letter on the Committee's website and in the relevant annual report.

The Rt Hon the Lord Pickles

The Rt Hon the Lord Duncan of Springbank