



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up an appointment as a Board Member at It's My Shout.

The Committee's role and remit

2. 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.

3. 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.

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

The Application

5. You sought the Committee's advice on taking up an unpaid, part-time position as a Board Member for It's My Shout. It's My Shout is a Welsh organisation helping young people make short films. You stated you will be part of the board of this organisation. It was set up to encourage young people into the film and tv industries by helping them to make professional short films with the mentorship of professionals in the field.

6. You advised the Committee that the only contact you had with It's My Shout was speaking at its annual awards event; you stated you were not involved in relevant policy development. You do not hold information on It's My Shout competitors; nor were you involved in commercial or contractual decisions regarding It's My Shout. You did note that It's My Shout received £14,000 in funding from the Welsh Government Arts Council in 2017, however you did not have any involvement in this grant.

7. The Permanent Secretary at the Welsh Government was contacted about this application. The Welsh Government confirmed you did not officially meet with It's My Shout while in office nor have any official relationship with the organisation. Nor were you found to have made policy or commercial decisions regarding It's My Shout and their competitors. The Welsh Government stated no concerns with you taking up this role.

The Committee's consideration

8. Both you and the Welsh Government confirmed you had no involvement in policy and no official dealings with It's My Shout while in office. Additionally you had no involvement in the funding that was previously awarded to It's My Shout through the Arts Council. The Committee¹ considered the risk this unpaid appointment on the company's Board could be seen as a reward for decisions taken in office is low.

9. The Committee noted there is a low but inherent risk of unfair advantage in relation to access to the contacts you gained while in Ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across the Welsh Government to the unfair advantage of It's My Shout. The Committee would also like to draw your attention to the ban on providing advice on bids and contracts relating to the work of the Welsh Government, including with regard any funding It's My Shout may wish to seek.

10. The Committee considered there is a risk you may confer an unfair advantage to It's My Shout due to your access to general sensitive information gained as First Minister. The Committee noted the Welsh Government did not consider you had access to any specific information that was likely to provide an unfair advantage to It's My Shout and that it has been over a year since you have left office which has reduced the risk that any information may confer an unfair advantage. It therefore considers the below conditions sufficiently mitigate the risks in this case.

11. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with It's My Shout be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the Welsh Government on behalf of It's My Shout or its members (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government

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 and John Wood. Dr Susan Liataud was absent.

and/or Ministerial office to influence policy, secure business/funding or otherwise unfairly advantage It's My Shout (including parent companies, subsidiaries, partners and clients; and

- for two years from your last day in Ministerial office you should not advise It's My Shout or its members on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the Welsh Government.

12. 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.

13. 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.*"

14. 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 National Assembly for Wales.

15. 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.

16. 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.

The Rt Hon Lord Pickles

Mr Carwyn Jones AM