

*From the Chair*



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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1. You approached the Committee about taking up an appointment as a Trustee for the Hall for Cornwall.

The Committee's role and remit

2. 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.

Appointment Details

5. You seek to take up an unpaid appointment with the Hall for Cornwall. The Hall for Cornwall is a theatre and registered charity. Its website says it works independently, and supports schools and communities with projects that '*...let people*

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*feel the power of performance*'. It strengthens support for artists and practitioners who are creating original work and offering footholds for the next generation. The website further states that they are supported by HM Government, and arms length bodies such as the Arts Council England.

6. You confirmed you had no official dealings with the Hall for Cornwall as a Minister. Further, you are not aware of any relationship between the the Hall for Cornwall and your former department, the Department for Work and Pensions (DWP); and had no dealings with its competitors, nor access to commercially sensitive information about competitors.
7. The Permanent Secretary at DWP was consulted and confirmed to the Committee: DWP has no relationship with the Hall for Cornwall and its funding is managed by other government departments. DWP has no concerns about you taking up this appointment.

The Committee's consideration

8. When considering this application, the Committee<sup>1</sup> took into account this appointment has no connection with your ministerial role as Minister for Disabled People, Health and Work and did not consider this appointment raises any particular propriety concerns under the Government's Business Appointment Rules.
9. You had no dealings with the Hall for Cornwall whilst in office and your former department confirmed it has no relationship with the Hall for Cornwall. Therefore, the Committee considered the risk it might be perceived this appointment is a reward for decisions made or actions taken from your time in office is low.
10. As there is no connection to your time in office, the Committee also considered the risks associated with your access to sensitive information are also low. However it would like to draw your attention to the conditions below. In particular, the restriction that prevents you from using contacts gained in office to the unfair advantage of your new employer.
11. The Committee did note that, as in all cases of this nature, there is a risk your contacts and influence within the Government could be seen to unfairly benefit the Hall for Cornwall, particularly in relation to bids for funding and grants from the UK Government. Therefore, although the Committee recognises this is not part of your role as Trustee, it would draw your attention to the ban on lobbying the UK Government, including indirectly, and on providing advice on contracts and bids with the UK Government.
12. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Mike Weir; Richard Thomas; Lord Larry Whitty and John Wood. Dr Susan Liataud was unavailable

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- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in Ministerial office;
  - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of the Hall for Cornwall (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit the Hall for Cornwall (including parent companies, subsidiaries, partners and clients); and
  - for two years from your last day in office you should not advise the Hall for Cornwall or its partners or clients 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 UK Government.
13. 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.
14. 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.*"
15. I should be grateful if you would inform us as soon as you take up this role, 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 Rules and the Ministerial Code.
16. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
17. 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.

The Baroness Browning

Sarah Newton

