



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Dear Air Marshal Stuart Evans,

1. You sought the Committee's advice on taking up a paid role with CAE, as an Advisor. The Committee has now considered this commission.
2. You said CAE are a Canadian based Company that provide global services in 3 areas; Civilian Aviation Training and Simulation; Defence and Security; and Medical Simulation and training. You said they currently deliver simulation and training services within the UK for all 3 Services, although often as a subcontractor to other companies; examples include simulation training for the Poseidon aircraft at RAF Lossiemouth and the helicopter training facility at RAF Benson. They also provide services to a wide variety of military Services in the US, across Europe and the Middle East. The website says '*CAE is a worldwide leader in training for the civil aviation, defence and security, and healthcare markets*'. CAE also has a relationship with NATO.
3. You told the Committee CAE have recently identified the need to source military advice on Air-related matters, including on digital innovation, and wished to employ a recently retired, senior Air Advisor to provide it. You were recommended by ex-RAF members already working with CAE. The role would include provision of an external view of the Company itself and advice to their senior board members. This role is not envisaged to be a customer facing role that would require involvement in contract bidding or proposals. You said the role may involve discussions with appropriate representatives of the RAF and other Air Forces, following due process for contract bidding, performance feedback, etc. In support of this, you noted any training contracts with NATO would be subject to approval by a committee represented by the specific nations involved, not NATO itself as an umbrella organisation. As such, you said you considered NATO commanders had no influence on national decisions '*..and by inference, my previous contacts with them would be largely irrelevant.*' However, you also noted that CAE are more interested in the support you could provide to the board on their strategy and transition to the mission support arena, including synthetic and virtual applications rather than individual contracts and programmes. Therefore you could carry out the role without such contact.
4. You informed the Committee you did not have any official dealings with CAE. You further said you had no funding or contractual dealings with any commercial companies during your NATO tenure or previous to that. You have also previously confirmed you had no access

to information at NATO/MOD since leaving your role at NATO in August 2019. You further informed the Committee that although you were responsible for training and certifying the NATO Air headquarters to provide command and control for NATO operations, they trained their staff using in-house units and resources. You said training and certification did not involve any commercial providers or entities: '*...mainly because there aren't any with the necessary competence to deliver such support.*' You also confirmed your area of responsibility did not have any links to national flying training or simulator programmes.

5. The MOD was consulted regarding your role with CAE. It confirmed the details provided by you. The MOD also said that your recent role was in NATO and therefore you would not have had recent involvement in UK policy decisions or development affecting CAE. The MOD also confirmed UK Air Command holds one contract with CAE within Air commercial for simulator training for the BAE146. But it confirmed you would not have had involvement in this in your role at NATO.

6. The MOD contacted the Deputy Supreme Allied Commander Europe's office. It confirmed: '*The training of AIRCOM HQ and subordinate air component commands is conducted exactly as stated by Air Marshal Evans and is the same across the other component commands (maritime and land). Training and validation is conducted using NATO in house teams and does not involve any commercial providers or entities. They do not have the expertise or competence so a NATO in house military process / staff / validation is essential. The information provided is correct.*'

The Committee's Consideration

7. The Committee¹ considered this commission to be consistent with the terms of your independent consultancy, described as working with defence companies on air, space and NATO related issues. You said this work will cover strategic plans, training and exercises and air, space and ballistic missile capabilities.

8. The Committee noted you had no official dealings with CAE and was not involved in any funding or contractual dealings with any commercial company, including CAE. While there is a commercial relationship between the MOD and CAE, the MOD have confirmed you were not involved in this. Therefore the risk is low that this commission was offered as a reward for actions taken while in service.

9. The Committee noted there is an overlap with CAE's commercial operations and your time at NATO. The Committee took into consideration that as Deputy Commander of NATO's Air Headquarters, you will no doubt have access to information that may be seen to benefit any company operating in the areas for which you held responsibility at NATO, including training and air defence operations. Therefore this information could be seen to unfairly benefit CAE. However, the Committee noted your specific role with NATO was ensuring NATO Air headquarters were trained and certified to provide command and control for NATO operations, which was done in house (rather than training NATO wide, or working with other commercial training providers). Further, the MOD confirmed it has no concerns about your access to information and noted the amount of time that has passed since you were in post at NATO with access to any information. You are prevented from drawing on any privileged information from your time in Air Command as a result of the conditions imposed on your consultancy (below).

10. The Committee also recognised your potential influence as the former Deputy Commander of NATO's Air Headquarters including the contacts you will have gained within

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

NATO, the MOD/Whitehall and within foreign governments. It is therefore likely you could be perceived to offer CAE an unfair advantage in this regard. The Committee has considered your request to have contact with the RAF and other Air Forces in line with due process, around contract bidding. However, conditions which prevent you from lobbying the MOD/NATO and from advising on bids and contracts with MOD/NATO were imposed on your independent consultancy. The Committee advised these remains in place for this work with CAE. In this context the Committee considered the contact you describe would risk offering your new employer an unfair advantage as a result of your time at the MOD and NATO and the influence you will be perceived to offer. For the avoidance of doubt these conditions preventing you from lobbying and from advising on bids and contracts would include contact with members of the RAF and other Air Forces. However, this would not prevent you from advising on CAE's strategy and digital innovation as you have described.

11. In accordance with the Government's Business Appointment Rules, the Committee advises this commission with **CAE** should be subject to the same conditions as your independent consultancy:

- 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 Crown service;
- For two years from your last day of Crown service you should not become personally involved in lobbying the UK Government, the UK MOD or NATO on behalf of your clients (including parent companies, subsidiaries and partners); nor should not make use, directly or indirectly, of your MOD, NATO or government contacts to influence policy, secure funding/business or otherwise unfairly benefit your clients (including parent companies, clients, subsidiaries and partners);
- for two years from your last day in Crown service, you should not become personally involved in lobbying contacts you have developed during Crown service, within other Governments and organisations, for the purpose of securing business for your independent consultancy, its subsidiaries, partners or clients;
- for two years from your last day in Crown service, you 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 or NATO; and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you 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.

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. I would be grateful if you would ensure that we are informed as soon as your appointment is taken up, or if it is announced that you will do so. 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 you had complied with the rules.

15. I should also be grateful if you would inform us if you propose to expand or otherwise change the nature of this appointment, depending on the circumstances, it may be necessary for you to make a fresh application.

16. Once your commission is taken up and/or he has announced this is the case, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely

Isabella Wynn
Committee Secretariat