



**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 Westminster Foundation for Democracy as a Board Member.

The Committee's role and remit

2. 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.
3. 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.
4. 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.
5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment Details

6. You sought the Committee's advice on taking up an unpaid part time role as Board Member for the Westminster Foundation for Democracy (WFD). The role was not advertised and you heard of it through a former colleague.

7. WFD is a UK non-departmental public body focused on supporting democracy around the world. It is sponsored by the Foreign and Commonwealth Office. It operates in over 40 countries, and works with parliaments, political parties, and civil society groups as well as on elections with an aim of making countries' political systems fairer and more inclusive, accountable and transparent.

8. As a Board Member you would participate in panel discussions with key stakeholders, and participate in events around environmental democracy and serve as a mentor to fellow parliamentarians. You stated it would not involve any contact with Government.

9. You stated you did not have any contact with WFD whilst in office or any involvement in any policy development/decisions or contractual decisions whilst in office. You did not state any contact with any competitors and did not have access to sensitive information about competitor

10. The Scottish Office (SO), Northern Irish Office (NIO) and Department for Business Energy and Industrial Strategy (BEIS) were contacted about this application and confirmed the details you provided. All stated no further concerns regarding this appointment.

#### The Committee's consideration

11. The Committee noted that your role is not directly related to your responsibilities in office, though you may attend events on environmental democracy. 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.

12. 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. 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 WFD. Therefore, the risks associated with your access to sensitive information is low. However, the Committee would also draw your attention to the ban on using privileged information.

13. As there is no proposed contact with Government, and the organisation is itself an ALB for the Foreign and Commonwealth Office, the likelihood that this appointment could be perceived as lobbying is low. Noting that your role would involve mentoring other Parliamentarians however, the Committee would draw your attention to the lobbying ban which prevents you from lobbying Government or trying to influence Government policy on behalf of WFD.

14. 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 WFD in respect of any future bid for funding from the UK Government, though the Committee notes there is not a pronounced risk of this in this case.

15. 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; and
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government, Scottish Government or Irish Executive or their arm's length bodies on behalf of the Westminster Foundation for Democracy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in Government to influence policy, secure business/funding or otherwise unfairly advantage the Westminster Foundation for Democracy (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise the Westminster Foundation for Democracy or its partners or clients on the terms of a bid or contract with, or relating directly to the work of the UK Government, Scottish Government or Irish Executive, or their arm's length bodies.

16. 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.

17. 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.

18. 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."

19. I would be grateful if you would ensure that we are informed as soon as you take up your role or the WFD 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.

20. 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