



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

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### **BUSINESS APPOINTMENT APPLICATION: LIEUTENANT GENERAL SIR MARK POFFLEY KCB OBE**

1. You sought advice on taking up an appointment with Universal Defence and Security Solutions (UDSS).
2. As Deputy Chief of the Defence staff you described your duties as:
  - Ensure the MOD programme was militarily coherent to meet the objectives of the MOD and emerging threats facing the country
  - Ensure the programme met the objectives of the extant Defence policy
  - As a Senior Responsible officer responsibilities covering coherence of the Carrier Enabled Power Projection and the Defence Estates Optimisation programmes

#### Timing

3. It came to the Committee's attention that UDSS posted your intention to join UDSS, 'subject to ACOBA approval' before the Committee had the opportunity to consider and provide its final advice. The Government's Business Appointment Rules (the Rules) specify that individuals should not accept or announce a new appointment/ offer of employment before advice has been received. To fulfil the remit given to it by the Government, the Committee needs to be able to consider an application fully and freely before offering its advice. It is impossible to do this in a way that will command public confidence if an appointment has already been announced and/or taken up. The Committee considers UDSS' publication of your intention to join was a clear breach of the Rules that apply by virtue of your time in Crown service.

4. However, the Committee acknowledged UDSS' apology for this oversight, and appreciates UDSS took immediate steps to take this information down from its website. Further, you had submitted an application for advice (which the website noted) and neither signed a contract nor taken on any work with UDSS in the intervening period. In the particular circumstances of this case, and given UDSS operated in defence, the Committee considered there were potentially significant risks under the Rules which should be explored; and not to provide advice would leave those risks unchecked.

5. The Committee decided it was in the public interest to provide advice and ensure appropriate mitigations are taken in this case. That advice is set out below and UDSS

confirmed that its Board will ensure adherence to the requirements placed on its members by the Committee.

### Appointment Details

6. You sought the Committee's advice on taking up a paid, part-time role, involving 2 days of work per week as Director Designate for Land, Defence Programming and Force Defence (FD).

7. UDSS provide defence and wider security advice, assistance and solutions on a global basis. This is a relatively new company, founded by General Sir Richard Barrons and Peter Hewitt. The company advises on policy, strategy and operational strategy for Governments, businesses and commercial organisations on topics of hybrid and political confrontation, including: Hard power capability, information operations and cyber warfare. Additionally, peace support, wider security, constabulary, humanitarian assistance and disaster relief. It also recruits former British Armed Forces personnel, regular and reserve from SNCO to 4 Star, as well as former MOD Civil Servants to work with clients. UDSS confirmed to the Committee that its current focus is on overseas defence work.

8. As Director Designate for Land, Defence Programming and Force Design you told the Committee you will be responsible for recruiting retiring or retired military personnel. You also stated you will conduct business development and confirmed this will be international until two years after your last day in service and you will not be responsible for having a role in MOD or UK Government business development until then.

9. You stated the MOD and UDSS do not have a contractual relationship and you did not:

- deal with the receipt of tenders or awarding contracts between MOD and UDSS;
- have involvement in or administer such contracts;
- advise on such contracts before or after they were awarded;
- have direct or indirect responsibility for those who had contractual dealings with UDSS;
- have any official dealings with the company while in post;
- have involvement in the department's administration of any policy decisions affecting the company or its competitors;
- have involvement in regulatory work or grants affecting the company or its competitors; or
- have access to commercially sensitive information about competitors.

10. The MOD Business Appointments Panel considered your application and confirmed the information you provided. In addition:

- The MOD confirmed it has no relationship with UDSS and therefore you had no official contact with and made no decisions on UDSS whilst in post. Therefore it considered there is no risk of reward.
- The MOD had also told the Committee that as a member of the investment approvals committee you were responsible for assessing capability requirements against the Department's policy, although you were not alone in that responsibility. The MOD suggested that whilst you might have been exposed to information in the context of UK contracts (but not international) that would give prospective employers an advantage in the UK in the short term, *'...much of this was around political intent and the new and rather dynamic political context suggests that much of the thinking [you were] exposed to has*

*now evolved.'*

- The MOD noted that UDSS is a company which has been set up by senior ex-military personnel, and given your standing in the MOD, it proposed conditions to mitigate the risk of unfair access to the MOD for the purposes of headhunting leavers or seeking business.
- The MOD noted the risks associated with you offering an unfair advantage with regard to the UK MOD are mitigated by your commitment to only undertaking business development activities internationally, rather than UK Defence facing.
- The MOD said it had no concerns with with you taking up this role subject to conditions which prevent the use of privileged information; advising on bids and contracts (in relation to MOD and its trading funds); lobbying the UK MOD; and recruitment of personnel based on staff capabilities begotten as a result of information gained in service.

### The Committee's Consideration

11. The Committee<sup>1</sup> considered this commission to be consistent with the terms of your independent consultancy, described as providing advisory services to international governments and other international entities on how to develop coherent military capabilities for the future.

12. The Committee took into consideration that as Deputy Chief of Defence Staff, you were responsible for ensuring the MOD programme met its objectives and that any programme put forward by the Department met these objectives. However, there is no relationship between the MOD and UDSS; you had no official dealings with and made no decisions regarding the company in post. As such, the Committee agreed with the Department's view and considered the risk you were offered this work as a result of decisions made or actions taken in office in this application was low.

13. When the proposed work relates to an individual's time in office there are inherent risks associated with the sensitive information they may have had access to. Given your role, the Committee considered it was likely your involvement in policy development and decisions on products may be of some relevance to UDSS' work. Further, the Committee recognised your potential influence as the former Deputy Chief of Defence Staff, including contacts gained within the MOD/Whitehall and with foreign governments. It is therefore likely you could be perceived to offer any company operating in the defence sector with an unfair advantage in this regard.

14. The Committee took into account the MOD's confirmation it had no concerns about you taking up this role and its view there is no specific risk it is concerned about with regard to your access to sensitive information. However this was based on a number of conditions: that your activity would be internationally focussed; and given UDSS' has been set up by senior ex-military personnel, with a focus on securing former MOD personnel, you should be prevented from drawing on privileged access in this regard to headhunted or seek business on behalf of UDSS.

15. The Committee considered the conditions already applied to your consultancy, which prevent you from making improper use of contacts made in office and working on bids and contracts with the UK MOD provide some mitigation here. However, the Committee agreed

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

there were additional risks here due to UDSS' focus on recruiting former MOD personnel; and given the unknown nature of its future clients. In the circumstances, the Committee decided to impose an additional condition to make it clear it would be inappropriate to use your privileged access to headhunt staff on behalf of UDSS. Further, an additional condition makes it clear it would not be appropriate for you to advise in the UK Defence market, though it notes this is entirely in keeping with your intention to work only on international matters.

16. In the circumstances, under the Government's Business Appointment the Committee advises this commission with **Universal Defence Security Solutions** be subject to the conditions which were previously applied to 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 service you should not become personally involved in lobbying the UK Government on behalf of your clients (including parent companies, subsidiaries and partners); nor should you make use, directly or indirectly, of your contacts in Government and/ or Crown service to influence government policy, or secure business or funding on their behalf or to otherwise unfairly advantage them;
- 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; 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 (including in particular the nature of any work in the UK defence sector).

17. In addition, the Committee considered this commission with **Universal Defence Security Solutions** should be subject to the following two conditions:

- **for two years from your last day in Crown service, you should not advise Universal Defence Security Solutions on the UK Defence market; and**
- **for two years from your last day in Crown service you should not draw on information concerning the capabilities of current employees of MOD or other government departments or agencies, known to you by virtue of your time in Crown service, to actively initiate or assist head-hunting of those employees on behalf of Universal Defence Security Solutions or their clients.**

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 should be grateful if you would inform us as soon as you take up this commission, 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 that have not been taken up or announced. This could lead to a false assumption being made about whether you have complied with the Rules.

21. Please also inform us if you proposes to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for him to make a fresh application.

22. 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.

Cat Marshall  
Committee Secretariat