



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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August 2020

1. You sought the Committee's advice on taking up a commission with GK Strategy Ltd.

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 said GK Strategy Ltd (GKS) is a communications and public affairs agency, providing strategic communications and political, policy, regulatory due diligence in investment processes. The website says it is a leading independent strategic advisory and communications consultancy. It states it provides insight, developing strategy and generating impact to help organisations succeed in highly regulated or politically sensitive environments. It states it helps clients stay relevant, stand out and build profile with their key stakeholders. You said as a senior member of the GKS team, the purpose of his role is to provide high level strategic counsel to its private equity and corporate clients, drawing from extensive experience in the political, policy, media and/or regulatory worlds. In your role you will:

From the Chair

- Provide strategic counsel to GKS clients;
- Form part of client delivery teams across GKS's client base – providing insights, policy thinking, political views etc;
- Attend pitches and contribute to thinking behind GKS scopes;
- Attend GKS Board as appropriate;
- Provide content for GKS's newsletters and content (blogs, website, marketing materials);
- Attend events as a speaker and/or guest in a GKS capacity;
- Uphold and demonstrate the GKS values;
- Ensure compliance with ethical standards and responsibilities.

6. You informed the Committee in this proposed role would have very limited contact with Government, you said it would be compliant with the ACOBA rules and PRCA Public Affairs Board Code of Conduct and likely not at all. You said you wanted to cover off any potential meetings that may happen where GKS clients may organise roundtables or receptions that you might attend.

7. You advised the Committee you had no official dealings with GKS whilst in office, including policy and funding decisions or development. Further, you are not aware of any relationship between your former departments and GKS and had no dealings with its competitors nor access to commercially sensitive information about competitors.

8. The Permanent Secretary at the Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID) was contacted about this application. They confirmed your above statements.

9. FCO and DfID both stated it has no concerns over you taking up this appointment.

The Committee's consideration

10. This commission fits within the description of your consultancy - to provide advice to assist with the overall appreciation and understanding of the economic and political environment in various countries and to assist the business development and relationships of clients.

11. When considering your application on taking up a role with GKS, the Committee¹ considered whether this appointment could be perceived as a reward for decisions taken in office. You had no official dealings with GKS. Further, neither of your former departments had a relationship with GKS. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.

12. The Committee noted the departments confirmed you were not involved in policy development in relation to GKS and it would not be inappropriate for you to use your general skills and experience to work and advise GKS and its clients on political, policy, media and/or regulatory worlds. However, by virtue of your role it could be perceived that you may offer an unfair advantage to GKS given your GKS and its clients. This risk is in some way mitigated as FCO and DfID confirmed it had no concerns in you taking up this role, further over 17 months have now passed since you were in office. The privileged information ban applied to your independent consultancy will help mitigate this risk further.

13. The Committee noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in ministerial office. The lobbying ban imposed on your

¹ This application for advice was considered by Sir Alex Alan, Johnathan Baume, Richard Thomas, Lord Larry Whitty, Mike Weir, Lord Eric Pickles and John Wood. Dr Susan Liautaud was unavailable.

consultancy makes it clear that it would be inappropriate for you to use your contacts across Government to the unfair advantage of GKS, for example it would not be appropriate for you to instigate engagement with Ministers or officials on behalf of your new employer or its clients. The Committee would also like to draw your attention to the ban on providing advice on the terms, a bid or contract relating directly to the work of the Government.

14. The Committee also noted there may be potential risks associated with the unknown nature of GKS's clients. Specifically, should they be a company or organisation you or DfID/FCO had a commercial relationship with or where you had some influence in respect of their work whilst in post. Therefore, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising GKS's clients where the FCO or DfID has a commercial relationship, nor advise on a matter with which you had involvement in while in ministerial office.

15. In accordance with the Government's Business Appointment Rules, the Committee's advice is that this commission with **GK Strategy Ltd** be subject to the conditions which are attached to your consultancy **as well as an additional condition below**:

- 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 office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the Government on behalf of those you advise under your independent consultancy (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 those you advise under your independent consultancy (including parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the Government; and
- for two years from your last day in ministerial office, 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.

In addition, the Committee considered this commission with GK Strategy Ltd be subject to the following condition:

- **For two years from your last day in ministerial office you should not advise GK Strategy Ltd or its clients with regard to any matter in which the FCO or DfID has a commercial interest or with regard to any matter with which you had involvement while in ministerial office.**

16. 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.

From the Chair

17. 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.”*

18. 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.

19. Once this consultancy is in operation, or has been publicly announced, we will publish this letter on the Committee’s website, and where appropriate, refer to it in the relevant annual report.

Rt Hon Alistair Burt

The Rt Hon Lord Pickles