



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

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### **BUSINESS APPOINTMENT APPLICATION: Air Marshal Philip Osborn CBE**

1. The Committee has been asked to consider an application for Air Marshal Philip Osborn CBE, former Chief of Defence Intelligence for the MOD between 21 January 2015 to 4 December 2018. He requested the Committee's advice on setting up an Independent Consultancy.
2. As Chief of Defence Intelligence he was responsible for:
  - Provision of political and military intelligence and advice to the UK defence and government
  - Coordination of UK defence command and control, computers and communication, intelligence, surveillance and reconnaissance
  - Design and leadership (with other government departments) AND UK national offensive cyber capability
  - Risk owner on behalf of defence board, for UK defence cyber resilience
  - Leadership of UK defence counter-intelligence capability
3. His last day in post was 4 December 2018 and his last day in Crown Service was 6 October 2019.

#### Appointment Details

4. Air Marshal Osborn sought the Committee's advice on setting up an independent consultancy. Air Marshal Osborn stated his independent consultancy would cover general defence and security, as well as board-level mentoring and coaching.
5. Air Marshal Osborn noted that his role as Chief of Defence was a strategic role, and he had no direct contractual dealings generally (and not with those he sought to take up future commissions with), nor responsibility for anyone who did.

6. The MOD Business Appointments Panel considered Air Marshal Osborn's application and confirmed the information he provided. The MOD said Air Marshal Osborn would have been involved in strategic thinking and therefore some policy around cyber, command, control and surveillance. The MOD noted this was classified and bound by the Official Secrets Act; and it considered this would now likely be historic information given the significant amount of time since he was in post with access to this information.

7. The MOD recommended that Air Marshal Osborn's independent consultancy be subject to restrictions which prevent:

- the use of privileged information, such as 'commercially sensitive information or not-yet-announced decisions on strategy, policy, or delivery'
- lobbying the UK Government on behalf of himself or his clients
- lobbying contacts developed during Crown Service in other Governments or organisations to secure business for his consultancy
- Working on the bids and contracts related to the work of the MOD or its trading funds.
- Engaging in any UK MOD-facing activity relating to Defence Intelligence on behalf of any prospective clients or their subsidiaries or partners.

8. Additionally, that Air Marshal Osborn's future consultancy commissions should require separate assessment.

### The Committee's Consideration

#### **Consultancy**

9. When considering Air Marshal Osborn's application to set up an independent consultancy, the Committee noted that there is some overlap between his former role in the MOD and the general nature of the work his consultancy will take on.

10. The Committee took into account its consideration of similar cases. It is the Committees' experience that applications where there is a connection between former Crown servants' responsibilities in Government and the area they are looking to work in outside Government, are more likely to give rise to risks under the Rules. The Committee considered there is a potential risk he could be seen to offer his future clients an unfair advantage if he were to work for organisations which contract, or may contract in the future, with the UK MOD. The Committee considered a ban on advising on bids and contracts related to the MOD and a ban on lobbying contacts he has made in Crown service appropriately mitigate these risks. For the avoidance of doubt, the Committee would like to make it clear that this would include direct engagement with the MOD regarding defence intelligence.

11. The Committee noted, as Chief of Defence Intelligence, Air Marshal Osborn would have had access to information which could be seen to give an unfair advantage to his clients, should such information be disclosed. However, the MOD considered this risk was lowered given the time that has passed since he had access to this information, now over a year. Former Crown servants such as Air Marshall Osbor are prevented from disclosing privileged information under the Government's Business Appointments Rules, and as the MOD notes, under other provisions such as the Official Secrets Act.

## Future commissions

12. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission Air Marshal Osborn proposes to take up will depend on the specific details of each piece of work. Further conditions may be appropriate. As is usual in such cases, Air Marshal Osborn will need to seek advice from the Committee for each commission he wishes to accept.

13. The Committee will consider with each commission whether the restrictions below sufficiently mitigate the risk attached and will decide whether each commission is consistent with the terms of the consultancy, considering any relevant factors under the Business Appointment Rules. **The Committee would draw his attention to the fact that, in particular, the nature of any work in the UK defence sector will need particular consideration.** For example, should Air Marshal Osborn seek to work on matters he had direct responsibility for in office, the Committee would consider whether a waiting period may be required. The Committee will consider such risks on a case by case basis.

14. Under the Government's Business Appointment Rules, the Secretary of State accepted the Committee's advice that Air Marshal Philip Osborn CBE appointment to set up an independent consultancy should be subject to the following conditions:

- that he should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in office;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the Government on behalf of those he advises under your independent consultancy (including parent companies, subsidiaries and partners). Nor should he make use, directly or indirectly, of his government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those he advises under his independent consultancy (including parent companies, subsidiaries and partners);
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during Crown service, within other Governments and organisations on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries and partners) ;
- for two years from his last day in Crown service, he 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 UK Government, UK MOD or their trading funds; and
- for two years from his last day in Crown service, before accepting any commissions for his independent consultancy and or/before extending or otherwise changing the nature of his commissions, he 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.

15. 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.

16. 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."*

17. I should be grateful if you would inform us as soon as Air Marshal Philip Osborn CBE sets up his independent consultancy, or if it is announced that Air Marshal Philip Osborn CBE 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 Air Marshal Philip Osborn CBE has complied with the Rules.

18. Please also inform us if Air Marshal Philip Osborn CBE proposes to extend or otherwise change the nature of his consultancy as, depending on the circumstances, it may be necessary for him to make a fresh application.

19. 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.

Yours sincerely

Isabella Wynn  
**Committee Secretariat**