



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee seeking advice on taking up an appointment with Provident Financial Group as a Non-Executive Director.

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:
 - 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
 - an employer could make improper use of official information to which a former Minister has had access; or
 - 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 seek to take up a paid, part time role at Provident Financial Group (PFG). You said PFG is a banking and financial service. The website says PFG is '*one of the UK's leading suppliers of personal credit products to the non-standard lending market*'. The group delivers non-standard lending through its businesses - Vanquis Bank, Provident home credit, Satsuma Loans and Moneybarn.

From the Chair

6. You said you will sit on the PLC board, provide general commercial advice and work with the Chair to hold the executive management team to account and ensure sound reporting in compliance with relevant industry regulations and codes of conduct. You said you will also join two sub-committees of the board. You do not expect your role to involve contact with government.
7. You informed the Committee you had no official contact with PFG, contractual or otherwise; made no decisions involving PFG and did not meet with competitors of PFG nor did you have access to commercial information regarding their competitors.
8. Your former department, Department for Digital, Culture, Media & Sport (DCMS), was contacted regarding this application. DCMS confirmed you did not meet with PFG while in office. It did inform the Committee that you sent a joint letter with David Lidington out to the CEOs of FTSE 350 companies in January 2019, of which Provident Financial were one of those contacted, regarding the launch of the FTSE 350 Cyber Governance Health Check. This letter invited the CEOs to a series of roundtables that you, yourself hosted. DCMS confirmed you were responsible for cyber security portfolio. But stated you were not involved in any decisions to award PFG contracts/funding, or in any funding decisions related to the area and you did not have access to sensitive information or unannounced Government policy. It stated your information would no longer be relevant now as other Ministers have since taken over the brief.
9. DCMS confirmed you did not have access to commercially sensitive information on PFG competitors and did not meet with competitors of PFG.
10. The Department has no concerns regarding you taking up this post.

The Committee's consideration

11. The Committee¹ considered that while you did have contact with PFG, this contact was not just to PFG but included contact with 350 other companies that were included in the FTSE 350. Further, this contact was in line with government policy, to help the UK become one of the safest places in the world to do business online. Further, the Committee noted you did not make any funding or contractual decisions affecting PFG. The Committee considered the risk you were offered this role for decisions made in office is low.
12. The Committee noted that whilst this role is unrelated to your time in office, there may be a risk around the nature of the information you had access to by virtue of your ministerial portfolio. The Committee noted that as Minister for Digital and the Creative Industries you were exposed to a broad range of insight and information, including policy on cyber security. However, the Committee noted the department's comments that you do not have access to sensitive information that could unfairly benefit PFG. Further, the Committee would draw your attention to the condition below which makes it clear that it would be improper for you to use privileged information to unfairly benefit PFG.
13. Given your seniority, the Committee noted you would have had access to a wide range of contacts across Whitehall and within the Government. The Committee would therefore like to draw your attention to the lobbying ban below which makes it clear that you must not make use of your contacts gained in office to the unfair

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

From the Chair

advantage of PFG. The Committee noted PFG is a stakeholder in the department so there is a risk it may seek to work with the department in the future. As such the Committee has imposed a ban on providing advice on the terms of a bid or contract relating directly to the work of the UK Government.

14. Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Provident Financial Group** be subject to the following conditions:
 - 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 Ministerial office;
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or its Arms' Length Bodies on behalf of Provident Financial Group (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government or its Arms' Length Bodies and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Provident Financial Group (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in office you should not advise Provident Financial Group or its partners or clients 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 UK Government or its Arms' Length Bodies.
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 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 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.
18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant next annual report.

From the Chair

The Rt Hon Lord Pickles

Margot James