



## **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 and 4 December 2018. He requested the Committee's advice on taking up a commission under his 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.

#### Commission Details

4. Air Marshal Philip Osborn CBE sought the Committee's advice on taking a commission with Dolphin Blue.

5. The website states that the Dolphin blue partnership supports the development of organisations and individuals, all over the world. The website states their experienced facilitators and coaches have backgrounds in business, working in senior roles in HR, Training & Development, Organisational Development, Sales & Marketing and in the Military, across a wide range of industry sectors.

6. The website states Dolphin Blue:

- Run talent development programmes for a number of international companies
- Run broader leadership development programmes at all levels from supervisor and first line manager, through to middle and senior management
- Provide coaching done via face-to-face, or remotely
- Run workshops
- Support organisational change
- Help teams and individuals to improve their general management effectiveness and gain better understanding of themselves and their colleagues through various profiling tools and delivery of specific skills training

7. For this commission Air Marshal Osborn stated he had no official dealings with Dolphin Blue; was not involved in decisions which would have affected the company; was not involved in policy decisions or development and was not involved in awarding funding or contracts.

8. The MOD was consulted regarding Air Marshal Osborn's commission with Dolphin Blue and provided the following information:

- Air Marshal Osborn had no influence in decisions affecting Dolphin Blue
- The MOD has no relationship with Dolphin Blue and Air Marshal Osborn did not meet with the organisation in office
- Air Marshal Osborn had no relationship with competitors
- As Chief of Defence Intelligence, Air Marshal Osborn was party to strategic operational thinking within the MOD and some command, control and surveillance and cyber policy. However, it stated that a significant time period has elapsed since he completed his CDI role and the knowledge and information to which he might have been exposed will likely be historic; and further, due to Air Marshal Osborn's previous role, he is '... is fully conversant with the need for security and probity most of the knowledge he holds is covered by the official secrets act'.
- It does not view Air Marshal Osborn's proposed work as improper

9. The MOD Business Appointments Panel recommended this commission be subject to the conditions that apply to his consultancy, namely 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.

#### The Committee's Consideration

10. The Committee<sup>1</sup> considered this commission to be consistent with the terms of his consultancy previously described as advising on general defence, security consultancy and board level mentoring and coaching.

11. The Committee noted Air Marshal Osborn had no official dealing with Dolphin Blue and was not involved in awarding contracts or funding to Dolphin Blue. Therefore the risk is low that this commission was offered as a reward for actions taken while in office.

12. The Committee took into consideration that as Chief of Defence Intelligence he will have had access to strategic operational thinking of the MOD and privileged information on some MOD policies. However, the Committee took into account the MOD's confirmation it had no concerns about his taking up this commission and its view that there is no specific risk it is concerned about with regard to his access to sensitive information, which he is fully aware is non-disclosable. The Committee agreed with the MOD that the time that has passed since he left his post (over a year) is a significant mitigating factor, reducing the risks associated with the information he would have had access to and its likelihood to provide the company with an unfair advantage. Further, the conditions imposed on this work through your consultancy adequately mitigate the remaining risks. This includes a ban on using privileged information, a ban on lobbying the UK MOD and ban on advising on bids and contracts with the UK MOD. For the avoidance of doubt, the Committee would like to make it clear that the lobbying ban would include direct engagement with the MOD regarding defence intelligence.

13. Additionally, the Committee noted that due to his seniority Air Marshal Osborn will have built up a substantial network of contacts within the MOD and the UK Government in general. The Committee would therefore draw Air Marshal Osborn's attention to the conditions attached to his consultancy which prevent him from making use of contacts gained during his crown service to the unfair advantage of his clients.

14. The Secretary of State for Defence accepted the Committee's advice that, under the Business Appointment Rules, Air Marshal Osborn's commission with **Dolphin Blue** should be subject to the following conditions that are attached to his independent consultancy:

- 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

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Terence Jagger; Dr Susan Liataud; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

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