



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Ms Clare Moriarty CB

1. The Committee has been asked to consider an application from Ms Clare Moriarty, former Permanent Secretary at the Department for Exiting the EU (DExEU), who seeks to take up a role with Connected Leaders.
2. Ms Moriarty's last day in Crown service was 31 March 2020. As Permanent Secretary, she had responsibility for leading the department in all its work on the Government's preparations for Brexit (DExEU is responsible for the negotiations to leave the EU and establishing the future relationship between the UK and EU). Ms Moriarty was previously Permanent Secretary at the Department for Environment Food & Rural Affairs from August 2015 to March 2019.

Appointment Details

3. Ms Moriarty intends to take up a paid, part time role as Governance Board Member for Connected Leaders. She stated Connected Leaders is a leadership programme for senior executives from across the rail sector. The lead sponsor is Network Rail and the company contracted to deliver the programme is Meerkat Consulting.
4. Ms Moriarty gave the below description for her role: *'Connected Leaders is a new programme for the most senior individuals in the rail sector. It is designed to address the fragmented nature of leadership in the rail sector by bringing together leaders from DfT, Network Rail, train operating companies and supply chain companies to learn and develop together. The programme has a strong focus on whole-sector collaboration and aims to drive positive change across the rail sector by:*
 - *enabling like-minded rail professionals to work together to tackle real challenges*

- *demonstrating the commitment of organisations from across the rail sector to a system-wide*
- *approach to customer-centred change*
- *synthesising, generating and sharing thought leadership, based on the issues that matter most.*

Ms Moriarty noted the Governance Board will act as the *guiding mind to ensure the founding principles of Connected Leaders are adhered to, sustaining a strategic whole-sector focus, and to facilitate/support the evolution of the programme in the light of ongoing experience.* Ms Moriarty said she was invited to join the Board on the basis of her expertise in leadership, understanding of the rail sector and ability to offer an external perspective.

5. Ms Moriarty stated she has experience within this sector - she was previously Director General of Rail at the Department for Transport (DfT) between January 2013 and July 2015 and is currently a Special Representative for the department on TfL¹ and a '*critical friend*' to the DfT's review on TfL future financial sustainability².
6. Ms Moriarty stated she did not have any official dealings with Connected Leaders while in post; nor did she have official dealings with or access to commercially sensitive information on their competitors. She further said she was not involved in awarding contracts or funding to Connected Leaders.
7. The Cabinet Office and DfT were consulted on this application. The details of Ms Moriarty's application and the below were confirmed:
 - She previously worked at DfT as Director General from January 2013 to July 2015; she is currently a Special Representative to TfL on the TfL board, which involves continued routine contact with DfT officials and Ministers; and is a '*critical friend*' to DfT's current review.
 - The Connected Leaders programme is sponsored by Network Rail and some of the participants will be from DfT.
 - She did not have access to commercial information of relevance to Connected Leaders.
 - Ms Moriarty's role was high profile and senior with access to a wide range of information about the economy in general.
8. Neither department has any concerns with this appointment, in light of the conditions expected for someone of this seniority.

The Committee's Consideration

¹ In May 2020 HMG Government agreed £1.6bn emergency funding package with TfL. The role of the Special Representatives are to provide increased oversight to ensure financial and operational performance. Further information found here: <https://www.gov.uk/government/news/government-grants-transport-for-london-funding-package>

² DfT are currently undergoing a review of TfL's financial sustainability.

9. The Committee³ took into account that Ms Moriarty did not meet with Connected Leaders while in office and did not make any policy or funding decision in relation to Connected Leaders specifically. The Committee considered the risk this appointment was offered as a reward for decisions taken in office is low.
10. The Committee considered that Ms Moriarty has experience working within the Transport sector generally both within her previous role as Director General of Rail and currently as a Special Representative and '*critical friend*' for DfT on TfL, which involves access to Government findings routine contact with DfT officials and Ministers. The committee noted DfT stated no concerns on conflict in relation to this role, however would bring Ms Moriarty's attention to the privileged information below, which makes clear it would be inappropriate for her to use any information gained in her capacity representing DfT, to the unfair advantage of Connected Leaders.
11. In agreement with the Cabinet Office, the Committee noted as a former Permanent Secretary she may have general access to policy and information that could be perceived to benefit any future employer. Ms Moriarty stated that the role is unexpected to involve contact with DfT and her responsibilities are focused on strategy and governance. The Committee would draw Ms Moriarty's attention to the conditions below, which makes it clear it would be inappropriate for her to use of privileged information or contacts from her time in office, to lobby government, including with regard to advising on a bid or contact relating to Government.
12. The Prime Minister has accepted the Committee's recommendation that under the Government's Business Appointment Rules, this application with Connected Leaders should be subject to the following conditions:
 - that she should not draw on (disclose or use for the benefit of the organisation to which this advice refers) any privileged information available to her from her time in Crown service or in any capacity in which she continues to represent the UK Government;
 - for two years from her last day in Crown service, she should not become personally involved in lobbying the UK Government on behalf of Connected Leaders (including clients, parent companies, subsidiaries and partners), nor should she make use, directly or indirectly, of government/Whitehall contacts to influence policy, secure funding/business or otherwise unfairly advantage Connected Leaders (including client parent companies, subsidiaries and partners); and
 - for two years from her last day in Crown service she should not provide advice to Connected Leaders (including parent companies, subsidiaries, partners and clients), in relation to the terms of a bid with, or contract relating directly to the work of the UK Government.

³ 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

14. 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.

15. 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."*

16. I should be grateful if you would inform us as soon as Ms Moriarty takes up employment with this organisation, or if it is announced that 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 Ms Moriarty has complied with the Rules.

17. 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

Andrea Benjamin
Committee Secretariat