



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

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1. You approached the Committee about taking up an appointment as a Trustee for the Cares Family.

### The Committee's role and remit

2. 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.

### Appointment Details

5. You seek to take up an unpaid, part time appointment with the Cares Family. You told the Committee the Cares Family is a group of six charities, based in different parts of the country, and managed through a federation model which brings together older people and young professionals to build a connected society. The website states The Cares Family

started in 2011 and has four programmes to bring older and younger neighbours together to share time, friendship and new experiences through '*...Social Clubs, a one-to-one Love Your Neighbour friendship programme, Outreach and Community Fundraising*'.

6. You said your role would be that of a trustee, ensuring that the charity is carrying out its purposes for the public benefit; overseeing the executive body to make sure that they are complying with their aims; scrutinising the executive's plans or decisions to make sure that they are done for the best interests of end users. You do not expect this role to involve contact with the government.

7. You confirmed you had no official dealings with the Cares Family while in office. Further, you are not aware of any relationship between the Cares Family and your former department; and had no dealings with its competitors, nor access to commercially sensitive information about competitors.

8. The Permanent Secretary at the Home Office was consulted and confirmed it has no record of you meeting with the Cares Family whilst in your role as Immigration Minister. There is no evidence of contractual relationships between the Home Office and the Cares Family. It further said there is also no evidence of any spend from Home Office to the Cares Family, past or present, or of Cares Family being registered to respond to any tender/grant opportunities. The department has no concerns.

9. The Permanent Secretary at the Department of Health and Social Care (DHSC) was also consulted on this application. It confirmed it has no records of you meeting or having any official dealings with the Cares Family during your time in the office at the Department. It also said you did not have responsibility for policy relating to carers during your time in office and confirmed that it does not hold any spends or contracts with the Cares Family. The department said carers or anything related to this would not have been part of your portfolio therefore you would not have had any meetings with the Cares Family or any of its competitors. This would be the same regarding any access to sensitive information that would give the Cares Family an unfair advantage. It further said, as you left the Government in July 2019, any information you would have held would have been left at the Department as per the offboarding process of Ministers. The Department does not have any concerns with you taking up the role of Trustee in the Cares Family

#### The Committee's consideration

10. When considering this application, the Committee took into account this appointment has no connection with your ministerial role as Parliamentary Under Secretary for Immigration or Parliamentary Under Secretary of State for Public Health and Primary Care. It particularly noted you had no dealings with the Cares Family whilst in office and both your former departments have confirmed they have no relationship with the Cares Family. Further, the Committee noted this is an unpaid role with a charity. Therefore, the Committee considered the risk it might be perceived that this appointment is a reward for decisions made or actions taken from your time in office is low.

11. As the former Parliamentary Under Secretary of State for DHSC the Committee noted you could have had access to privileged information which may be seen to be of general use to the Cares Family. However, the Committee noted the department's comments that you were not responsible for the area in which the Cares Family operates and as such had no access to sensitive information that would give the Cares Family an unfair advantage. Therefore, the Committee considered the risks associated with your access to sensitive information are low. The Committee did not consider this appointment raises any particular propriety concerns

under the Government's Business Appointment Rules. However it would like to draw your attention to the restriction on providing privileged information to the Cares family.

12. The Committee noted that, due to your seniority, there is a risk you may offer an unfair advantage to the Cares Family in relation to access to the contacts you gained while in office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government and Whitehall to the unfair advantage of the Cares Family. Further, to mitigate any risk the Cares Family may ask for any future funding or contract with the UK Government, the Committee would draw your attention to the restriction preventing you from advising on bid with, or contract relating directly to the work of the Government.

13. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- You should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of The Cares Family (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 the The Cares Family (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in Ministerial office, you should not provide advice to The Cares Family 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.

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 you take up this role, 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 Rules and the Ministerial Code.

17. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

18. 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.

The Rt Hon Lord Eric Pickles

Seema Kennedy