



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

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://www.gov.uk/acoba>

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1. You approached the Committee seeking advice on taking up an appointment with Grayling.

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 join the Grayling as a Member of its Senior Advisory Board, a paid part-time role.
6. Grayling is a public affairs and PR company specialising in global public affairs and communications. They have offices across Europe and the UK and have provided services to a wide range of companies including football club Aston Villa and phone provider HTC amongst many others. They offer expertise on Government affairs

and as well as wider politics and work to build relationships between decision makers and their clients.

7. You said in this role you will be offering strategic support and consultancy to the agency and its clients – including advice on corporate affairs and speaking at private and public events. You do not expect your role to involve contact with the government.
8. You informed the Committee that as Secretary of State at the Department for Media, Culture and Sports (DCMS), you met with Grayling once at a speaking event, but had no further official contact. You added you did not have any involvement in policy development or decisions affecting Grayling directly nor any involvement in contractual/funding decisions.
9. DCMS was contacted regarding your application. It confirmed your statements, including that you had no involvement in any direct relevant policy. DCMS explained the Grayling event was an 'in conversation' style speaking event and you attended other similar events with other public affairs companies. DCMS added you would have no access to unannounced policy or information of specific sensitivity that could be seen to benefit Grayling. The Department overall had no concerns over this appointment.

#### The Committee's consideration

10. When considering this application, the Committee<sup>1</sup> noted that you did not make any policy or contractual decisions regarding Grayling while in office. Whilst you did attend one event with Grayling, your contact with this organisation was limited to this one event and you further attended similar events with other firms. Therefore, the Committee considered the risk you were offered the role for decisions made in post as low.
11. The Committee took into account that as a business Grayling provides services to a wide range of national and multinational companies on a wide range of political and Governmental matters. The Committee considered the broad nature of its business means it is likely that some of the sensitive information you had access to whilst in office would be of general relevance to the company. The Committee noted the Department's comment that you do not have access to sensitive information that could provide an unfair advantage and that it has been over 5 months since you left office. It would also draw your attention to the privileged information ban which prevents you from disclosing to Grayling or its clients any sensitive information gained from your time in office
12. The Committee further considered the unknown risk associated with Grayling's wide clientele base. These clients could be companies which you met in office or where you were involved in policy decisions and formulation that affected the client. The Committee concluded that to fully mitigate the risk it would be necessary that a condition is applied preventing you from advising on any policy that you had personal and direct engagement with whilst in office, or where you had official contact with the client whilst in office.

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<sup>1</sup> 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. Dr Susan Liautaud was absent for this consideration.

13. As a former minister you will have a wide network of contacts in government/ Whitehall. Therefore, the Committee would draw your attention to the condition below preventing you from lobbying the UK Government, including indirectly. Additionally, the Committee has applied a ban on providing advice to Grayling (and its clients) on contracts and bids for work with the UK Government to prevent any unfair advantage in this regard.
14. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Grayling** 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 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 on behalf of Grayling (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Grayling (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in Ministerial office you should not undertake any work with Grayling (including parent companies, subsidiaries, partners and clients) that involves providing advice 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; and
  - For two years since your last day in office, you should not advise Grayling or its clients on work with regard to any policy which you had a material role in developing or determining as Secretary of State, or where you had a relationship with the relevant client during your time as Secretary of State.
15. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role as a member of the House of Lords.
16. 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.
17. 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.*"
18. 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. 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.

19. 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.

The Rt Hon Lord Pickles

Baroness Morgan of Cotes