



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You sought the Committee's advice on setting up an independent consultancy.

### 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.

### Appointment details

5. You wish to set up an Independent Consultancy. You stated your independent consultancy will give advice to individuals, corporates and charities on how better to communicate with government around the issue of loneliness and disconnected societies;

this will include leading and producing research, facilitating discussions and giving speeches and seminars. You also stated that the independent consultancy will work on matters which lead to loneliness including, but not limited to ill health, poverty, physical isolation, addiction, transition points and ageing. This may include giving advice to charities on how they can combat the triggers of loneliness and collaborating to overcome it.

6. The Permanent Secretary at the Home Office was consulted about this application and has no concerns about you setting up an independent consultancy.

### The Committee's consideration

#### **Consultancy**

7. The Committee<sup>1</sup> noted that your planned work does not directly overlap with your time in office and it would not seem improper for you to take on commissions under your independent consultancy that use generic skills and experience gained during your time in office. The Committee considered that, generally, this poses no particular risks of impropriety under the Government's Business Appointment Rules. However, where you describe your consultancy as advising organisations on '...how better to communicate with government'. There is a risk here that you could use specific information or contacts to which you were privy as Minister to unfairly benefit your clients. However, it is usual in the circumstances of establishing an independent consultancy, to impose the below bans that will mitigate this risk.

8. The Committee observed that the risks under the Rules can only be adequately considered and assessed in relation to the individual commissions you go on to take up under the consultancy. Nevertheless, the Committee considered there are some general areas of potential conflict it is possible to mitigate, even in regard to the broad area of consultancy work. A ban on drawing on the use of privileged information, which helps to mitigate the risks associated with your access to information in relation to policy developments and decisions whilst in office. Further, due to your seniority you will have built up contacts within the UK Government. Therefore, the Committee would draw your attention to the lobbying ban which makes clear that your contacts gained whilst in office should not be used to the unfair advantage of any of your prospective clients. The Committee also considered it appropriate to impose a ban on advising on the terms of a bid or contract relating to the work of the UK Government.

#### **Future commissions**

9. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission you propose to take up will depend on the specific details of each piece of work. It is the Committee's experience that applications where there is a connection between former Minister's responsibilities in government and the area they are looking to work in outside Government, are more likely to give rise to risks under the Rules. Further conditions may be appropriate. As is usual in such cases, you will need to seek advice from the Committee for each commission you wish to accept.

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

10. The Committee will consider with each commission whether the restrictions below sufficiently mitigate the risk attached and will decide whether each commission is consistent with the terms of the consultancy, considering any relevant factors under the Business Appointment Rules. For example, should you seek to work on matters you had direct responsibility for in office, the Committee would consider whether a waiting period may be required. The Committee will consider such risks on a case by case basis.

11. In accordance with the Government's Business Appointment Rules, the Committee advises your independent consultancy be subject to the following conditions:

- that 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 on behalf of those you advises under your independent consultancy (including parent companies, subsidiaries and partners), nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy or secure funding/business or otherwise unfairly benefit those you advises under your independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in Ministerial office, you 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; and
- for two years from your last day in Ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you 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. (This does not apply for one-off speaking engagements, but you should seek the Committee's advice if in doubt of the nature of the work and whether it first this description).

12. 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.

13. 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.*"

14. 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 consultancy as depending on the circumstances, it might be necessary for you to seek fresh advice.

15. Once this 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.

Seema Kennedy

The Baroness Browning