



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You sought the Committee's advice about taking up a role with Buchler Phillips LLP (Buchler Phillips).

The Committee's remit

2. It is the Committee's role to advise on any 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.
3. 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.
4. 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.
5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment details

6. You wish to take up a paid, part-time appointment as Consultant with Buchler Phillips, involving 1 day of work per week. Buchler Phillips is an accountancy firm specialising in corporate turnaround and operational restructuring. Its website states it also operates within corporate recovery solutions, advises '*global corporations, Small & Medium Enterprises (SMEs) or individuals*' and is '*sector-agnostic*', with credentials in sectors including Forensics and Fraud, Insurance and Reinsurance, Transport and logistics. You stated as a Consultant, your role will be to provide '*ad hoc consultancy advice and introducing new client work to the firm*' and that the role is unlikely to include contact with the Government.
7. You stated you neither met with, had access to sensitive information about, nor made any decisions regarding the Buchler Phillips or its competitors while in office.
8. The Foreign and Commonwealth Office was contacted regarding this application and confirmed you neither met with Buchler Phillips, made decisions or had access to sensitive or commercial information regarding the company or its competitors. The Department stated it had no concerns with you taking up this appointment

The Committee's Consideration

9. When considering your application, the Committee¹ took into account that you had no official dealings or made any decisions regarding Buchler Phillips in office. The Committee considered the risk you were offered this role as a reward for a decision made or actions taken in office is low.
10. The Committee noted that due to your role in office you would have gained knowledge of privileged information that could confer an unfair advantage to any organisation, which is prohibited from being used, given the condition below which prevents the use of privileged information. Additionally, you are prevented from advising the company with regard to a bid or contract relating to the Government, which fits in line with your stated responsibilities. The Committee recognises that your role is not likely to include contact with the Government, though it would also draw your attention to the lobbying ban imposed below.
11. The Committee considered that due to your position as Minister of State, there may be a perceived risk that the contacts you would have inherently gained in office could provide an unfair advantage should you use these to introduce new client work to the firm. As an accountancy firm, the clients you will work with are currently unknown, and as such there is a risk you may advise clients that could conflict with your time in office. Therefore, the conditions below include prevent the improper use of contacts gained from your time in Ministerial office for the purpose of securing business, and a condition preventing you from working with clients where there is a direct overlap with your responsibilities in office, sufficiently mitigating the risks here.

¹ 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

12. 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:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from 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 Buchler Phillips LLP (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Ministerial contacts to influence policy, secure business/funding or otherwise unfairly benefit Buchler Phillips LLP (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in Ministerial office you should not advise Buchler Phillips LLP (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Government;
- for two years from your last day in ministerial office, you should not advise Buchler Phillips LLP (including parent companies, subsidiaries, partners and clients) on work with regard to any policy you had specific involvement or responsibility for as Minister of State for Asia and the Pacific at the FCO, or where you had a relationship with the relevant client during your time as Minister of State at the FCO; and
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office and in other Governments and organisations for the purpose of securing business for any company or organisation (including parent companies, subsidiaries and partners).

13. 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 Commons.

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 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 role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.
17. 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.

The Rt Hon Lord Pickles

Rt Hon Mark Field MP