



## **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 Frenkel Topping.

### 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 a Independent Non- executive Director with Frenkel Topping. You said Frenkel Topping is an Alternative Investment Market listed investment advisor/ asset manager. The website states Frenkel Topping provides legal guidance, financial planning and asset management advice for clients who've suffered a serious accident or personal injury. It said the company secures damages for people who have suffered a life-changing event. It stated it has a '*...proven track record in safeguarding the financial future of such clients by assessing their financial situation and helping them secure the maximum compensation settlement they are entitled to. We then carefully invest their damages to protect their independence and quality of life in the long term*'.
7. You informed the Committee as an independent non-executive director, you will attend four Board Meetings a year for this public company and also chair the Risk and Remuneration committees. This will involve reading papers and attending the company offices in Salford and in Kettering. You also said the role is unlikely to include contact with the Government.
8. You also informed the Committee you neither met, nor made any commercial or contractual decisions with or on GVolution while in office. Nor did you have any involvement in policy development or decisions. You also said you did not meet with competitors, nor did you have access to sensitive information on these competitors. You did tell the Committee that during your time as the MP for the Cities of London & Westminster (2001-19) you had routine dealings with asset management and other companies in the financial services sphere headquartered in your constituency. You confirmed neither then nor as a Minister were you involved in regulatory or grant-awarding in the sector.
9. The Foreign and Commonwealth Office (FCO) were contacted regarding your application. FCO confirmed the details you gave in your application and also confirmed you would have no access to unannounced policy or information of specific sensitivity that could be seen to benefit Frenkel Topping. The FCO did not have any concerns with you taking up this commission.

## The Committee's Consideration

10. The Committee<sup>1</sup> noted you were not involved in any decisions that benefitted Frenkel Topping. The Committee noted FCO does not have a relationship with Frenkel Topping and have no concerns about you taking up this appointment. The Committee therefore considered the risk this appointment could be seen as a reward for decisions taken in office is low.
11. When considering your application, the Committee noted this appointment is not directly related to your most recent time in office. It is drawing on general knowledge, skills and experience. However, it noted as a former Minister you may have general access to policy and information that could be perceived to benefit Frenkel Topping. However, the Committee put weight behind the department's confirmation you had no access to relevant sensitive information. Further, it noted the amount of time that has

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<sup>1</sup> This application for advice was considered by Jonathan Baume; Dr Susan Liataud; Richard Thomas; Mike Weir; The Rt Hon Lord Pickles and John Wood. Sir Alex Allan was recused and Lord Larry Whitty was unavailable.

now passed since you were in office (over 16 months). The Committee noted that you are prevented from drawing on your privileged information as with all former Ministers which helps to mitigate this risk.

12. Further, you will have developed contacts from your time in office which may provide an unfair advantage. Therefore, the Committee would like to draw your attention to the below conditions preventing you from lobbying and advising on contracts and bids. These conditions make it clear that you should not use your contacts and influence across government and Whitehall to the unfair advantage of Frenkel Topping. However, the Committee noted this is in keeping with your described role.
13. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Frenkel Topping** 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 Frenkel Topping (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 Frenkel Topping (including parent companies, subsidiaries, partners and clients); and
  - for two years from your last day in Ministerial office you should not advise Frenkel Topping (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.
14. 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.
15. 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.
16. 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.*"
17. 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.

18. 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