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THE PRIME MINISTER

14 April 2021

*Dear Lord Geidt,*

The post of Independent Adviser on Ministers' Interests is an important role in maintaining the standards of conduct in Government that I, as Prime Minister, and the public rightly expect of those holding Ministerial office. Deriving its authority directly from the Prime Minister, the role has been carried out by distinguished public servants of unimpeachable character since its inception in 2007 and provides an essential function at the heart of Government in advising me about aspects of the Ministerial Code.

In order to fill this important post, I asked the Cabinet Secretary to identify suitable candidates who would meet the following exacting criteria:

- Integrity and independence – the individual must have demonstrated the utmost standards of integrity and be able to give independent advice so that their judgements are seen to be credible and authoritative;
- Expertise and experience - an understanding of the workings of Government, the constitutional status of Ministers of the Crown and their role, and experience of handling complex ethical judgements;
- An ability to command the trust and confidence of the Prime Minister of the day, whichever Party is in office.

Having carefully considered a number of candidates against these criteria, I have agreed with the Cabinet Secretary's clear recommendation that you be asked to take on this role.

I have been considering the remit of the Independent Adviser, which was last looked at in 2011. The Terms of Reference for the previous incumbent are attached. I would be grateful for any immediate reflections you have on the present remit, were you to accept the role. Indeed, I would envisage that an early task for the new Independent Adviser might include a review of the role and the provision of further advice to me about its scope and terms of operation.

I do hope you would be willing to accept appointment to the role.

*with best wishes  
Yours sincerely  
Boris*

The Right Honourable The Lord Geidt GCB GCVO OBE QSO



## **Terms of Reference: Independent Adviser on Ministers' Interests**

The Independent Adviser on Ministers' Interests is appointed by the Prime Minister to advise him on matters relating to the Ministerial Code. The post holder is independent of Government and expected to provide impartial advice to the Prime Minister. The post holder is required to observe the Seven Principles of Public Life.

Specific responsibilities:

### **1. Ministers' interests**

Under the Ministerial Code (7.2), "it is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from their Permanent Secretary and the independent adviser on Ministers' interests".

Ministers are required, upon appointment to each new office, to provide a full list of interests which might be thought to give rise to a conflict (7.3). The Independent Adviser scrutinises all declarations and provides advice on the handling of interests (7.4). He is also able to provide advice on the handling of interests on an ad hoc basis.

The personal information which Ministers disclose to those who advise them is treated in confidence (7.5). The Ministerial Code provides that "a statement covering relevant Ministers' interests will be published twice yearly" (7.5). The Independent Adviser oversees the production of this statement in the form of a List of Ministers' Interests, advising on what is necessary to publish, as relevant, within the List.

### **2. Investigation of alleged breaches of the Ministerial Code**

Under the terms of the Ministerial Code (1.4): "If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, he may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the Independent Adviser on Ministers' interests."

The decision on whether a Minister remains in office after an investigation sits with the Prime Minister, as “the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards” (1.6).

### **3. Publication of an Annual report to the Prime Minister**

The Independent Adviser also publishes an Annual Report, independently of Government setting out the work he has undertaken and his observations on matters within his responsibilities.