



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

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

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BUSINESS APPOINTMENT APPLICATION: Kevin Cunnington, Services Canada, Canadian Government Department.

1. The Committee has been asked to consider an application for Kevin Cunnington, former Director General for International government Services and Digital Envoy at Cabinet Office between August 2019 to March 2021. His last day in service was 28 February 2021.

Application details

2. Mr Cunnington sought advice on taking up an unpaid role as a Member of the Service Advisory Committee for Services Canada. Mr Cunnington said Services Canada is a Canadian Government Department responsible for employment and pensions (the Canadian equivalent of Department for Work and Pensions). The Service Advisory Committee is composed of a group of external experts who provide guidance to the Senior Associate Deputy Minister of Employment and Social Development Canada (ESDC) and Chief Operating Officer (COO) for Service Canada, with a view to improving the delivery of ESDC programs and services to Canadians and businesses. Potential areas of interest include:

- best practices in service delivery
- service transformation, administration, design and delivery
- service level optimization and cost effectiveness
- trends and future directions related to the way services are provided
- immediate and future service challenges that the Government of Canada may face

3. Mr Cunnington said he will be a Member of the advisory board to the COO of Services Canada. His responsibilities are to attend 4 meetings per year (3 virtual and 1 in person) and advise Services Canada on the papers, topics and discussions presented. He does not expect his role to involve contact with the Government.

4. Mr Cunnington informed the Committee he had no contact with Services Canada during his time in government; nor had any involvement in any decisions affecting Services Canada and was not involved in relevant policy work during his time in government. Further, there is no relationship between his former department, Cabinet Office and Services Canada.

5. The Cabinet Office provided their views on this application. It confirmed the details provided and said the role should be made subject to the standard restrictions on lobbying the Government and using privileged information.

6. The Cabinet Office has no concerns with him taking up this appointment.

The Committee's Consideration

7. The Committee¹ noted that this proposed unpaid role is not directly related to his time in office. It particularly noted he had no dealings with the organisation whilst in office and it is aware of no reason it might be perceived this appointment is a reward for decisions or actions taken in office.

8. The Committee noted, there are inherent risks that Mr Cunnington will have general access to policy and information that could be perceived to benefit Services Canada. However, Mr Cunnington has not had access or involvement with any relevant policy in his recent role in government and the Cabinet Office has no concerns with him taking up this appointment. Therefore, the Committee considered the risk he could offer an unfair advantage to Services Canada through his access to sensitive information is low. However, the Committee would also draw his attention to the ban on using privileged information.

9. Additionally, there is an inherent risk Mr Cunnington may offer an unfair advantage to the organisation in relation to access to the contacts he gained while in service. The lobbying restriction imposed below makes clear that it would be inappropriate for him to use his contacts to the unfair advantage of the organisation. Further, he is prevented from providing advice on bids and contracts with the UK Government, mitigating the risk of impropriety in relation to Mr Cunnington's contacts and influence across the Government. However, the Committee noted this was in keeping with his role as described.

10. The Prime Minister, under the Government's Business Appointment Rules, has accepted the Committee's advice that this appointment with **Services Canada, Canadian Government** should be subject to the following conditions:

¹ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doerty; Sarah de Gay; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty. Dr Susan Liataud was unavailable.

- he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of Services Canada or the Canadian Government (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Services Canada or the Canadian Government (including parent companies, subsidiaries, partners and clients); and
- for two years from his last day in Crown service he should not undertake any work with Services Canada or the Canadian Government (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.

11. 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.

12. 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.*"

13. I should be grateful if you would inform us as soon as Mr Cunnington takes up this appointment, or if it is announced that he 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 he has complied with the Rules.

14. Please also inform us if Mr Cunnington proposes to extend or otherwise change the nature of appointment as, depending on the circumstances, it may be necessary for her to make a fresh application.

15. Once the 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.

Yours Sincerely,

Isabella Wynn
Committee Secretariat