



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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December 2020

1. You sought the Committee's advice about taking up a role with The Offplay Foundation as a Patron.
2. Your last day in office was 24 July 2019.

The Committee's remit

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

Appointment details

7. You wish to take up an unpaid, part-time role with The Offploy LLP Foundation (Offploy). You describe Offploy as a *'community interest company assisting ex-offenders into employment'*. Its website states Offploy is a *'social enterprise formed by ex-prisoners to help those with convictions secure employment and lead a positive life.'*
8. You stated your role is unlikely to include contact with the Government and will have the below responsibilities:
  - To be a public ambassador for Offploy which could include an introductory video, press comments and speaker at events
  - To offer comment and feedback on Offploy's strategic goals for the next few years
  - To receive a short report written once a month on Offploy's progress against these goals.
  - A short scheduled call, no more than once per month, as and when advice is needed
  - To meet with members of the Offploy team twice per year, likely paired with a key event for half a day
9. You informed the Committee that you *'met with Jacob Hill of the organisation, while Justice Secretary, 3 or 4 times, including on a Party visit to Yorkshire where you discussed work he was doing to rehabilitate ex-offenders.'* You were subsequently asked to address the 2019 Conservative Party Conference discussing this work. You stated you *'would have met a number of entities that involved rehabilitation of offenders as Justice secretary, including charitable organisations and Community Rehabilitation Companies'* and *'spoke at a gathering of senior partners of City law firms which the Offploy senior partner attended'* though you had no official dealings with Offploy as Justice Secretary. You stated you are aware that Offploy bids for contracts to provide services to the Ministry of Justice and Department for Work and Pensions, and stated no involvement in policy development or decisions affecting Offploy.
10. The Ministry of Justice (MoJ) were contacted regarding this application. The MoJ stated:
  - The Lord Chancellor and Secretary of State's Private Office conducted a search of Mr Gauke's diary from his time in office and could not find records of Mr Gauke meeting with Offploy. Any meeting Mr Gauke had with Offploy whilst in office was therefore likely to be of a party or political nature.
  - *'Offploy has a commercial relationship with the department. Offploy are qualified in two of the dynamic frameworks, competition for charities and private sector organisations to run probation services:*
    - *Education, Training and Employment*
    - *Emotional Wellbeing*

*and as such are in a position to win business from the Ministry of Justice. They are also a named subcontractor for another qualified provider'.*
11. The Department confirmed it had no concerns regarding you taking up this role. However, *'given Offploy has a commercial relationship with the department some restrictions around lobbying would seem appropriate'* and the department suggested that conditions be applied to prevent you from drawing on privileged information from your time in government, and from lobbying the Government including any indirect or

direct use of your contacts to influence policy or secure business for Offploy.

### The Committee's consideration

12. When considering your application, the Committee<sup>1</sup> took into account that you had no official dealings with Offploy in a governmental capacity. You had official dealings with offender and rehabilitation organisations as Justice Secretary and as such would have been responsible for decisions made within the sector. However, there is no evidence you made any decisions that would have impacted Offploy in isolation. The Committee considered the risk you were offered this unpaid the role as a reward for decisions made or actions taken in office as low.
13. The Committee considered that as Justice Secretary, you would have encountered information relating to justice broadly, which would include offender and rehabilitation information. This could provide an unfair advantage should this be shared, though as a former minister of the Crown you are prevented from sharing privileged information. As former Secretary of State for Justice your network and influence may offer an unfair advantage to Offploy. The Committee would therefore draw your attention to the conditions below, in keeping with the MOJ's advice, that you must not make improper use of your contacts to provide an unfair advantage to Offploy. The conditions below mitigate the remaining inherent risks in this case.
14. 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 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 The Offploy Foundation (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage The Offploy Foundation (including parent companies, subsidiaries, partners and clients); and
  - for two years from your last day in office you should not provide advice to The Offploy Foundation (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government.
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*

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

*or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office."*

16. 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 in the House of Commons; and applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Ministerial/ Civil Service Code or otherwise.
17. I should be grateful if you would inform us as soon as you take up this role, 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 Rules and the Ministerial Code.
18. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
19. 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.

The Rt Hon Lord Pickles

The Rt Hon David Gauke