



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lee Cain, former Director of Communications at No. 10, commission with Kurdistan Regional government under his Independent Consultancy.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on a short term role to advise the Kurdistan Regional government (KRG) - under your independent consultancy (Charlesbye). The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer KRG.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks associated with this work under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risk presented

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

5. The Committee² considered this commission to be consistent with the description of your consultancy which you described as offering '*strategic counsel to CEOs and senior executives - giving advice on corporate strategy, crisis management, reputational safeguarding and effective communication campaigns*'.
6. When considering this application, the Committee noted there is a relationship between the KRG and the government. However you did not meet with, nor make any decisions specific to the KRG whilst you were in office. Further, this is a time limited piece of work limited to providing basic comms support in the form of liaising with UK journalists and setting up interviews for them, separate to the government's relationship with the KRG. Therefore, the Committee considered there is no reason it might be perceived that this appointment is a reward for decisions made or actions taken from your time in government service.
7. As the former Director of Communications at No. 10, the Committee noted, you would have had access to privileged information. There is a risk the KRG may be considered to be gaining from your insight and influence at the centre of government. However, the Committee considered it significant that:
 - a. this is a general risk, you had no specific responsibilities for the KRG in office;
 - b. almost 9 months have passed since you had access to any information in office; and you are prevented from drawing on privileged information and have an ongoing duty of confidentiality
 - c. The role is significantly limited in nature and time and involves no contact with the government on behalf of the KRG
 - d. the Cabinet Office and the Foreign, Commonwealth and Development Office (FCDO) it has no objection to you taking up this role
8. Additionally, the Committee noted due to your seniority and influence at the centre of the government, there is a risk it could be perceived your network and influence might assist KRG unfairly.

The Committee's advice

9. The Committee considered it was significant in assessing the risk in this case that this role is limited to providing basic comms support in the form of liaising with UK journalists and setting up interviews for them and determined the risks above can be appropriately mitigated by the conditions that apply to your consultancy, below.
10. These conditions make it clear it would be inappropriate; and you must not make use of contacts gained in office (directly or indirectly) to the unfair advantage of the KRG.

² This application for advice was considered by Isabel Kiddy; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Dr Susan Liautaud and Lord Larry Whitty. Andrew Cumpsty, Jonathan Baume and Sarah de Gay were unavailable.

11. The Committee advises, under the Government's Business Appointment Rules, that this short term work for the **Kurdistan Regional Government** should be subject to the same conditions which were previously applied to your independent consultancy:

- You should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in Crown service. In the context of this general provision, the Committee considers you should specifically avoid giving your independent consultancy or its clients, privileged insight based on information from your time in Crown service into Brexit related issues, insofar as it pertains to UK's negotiating strategy post its departure from the EU;
- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government or any of its Arm's Length Bodies on behalf of those you advise under your independent consultancy (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 those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in Crown service you should not provide advice to any company or organisation 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 or any of its Arm's Length Bodies; and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of his commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

12. 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.

13. 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.*"

14. As with all Special Advisers, the Committee makes this recommendation on the understanding that, if you have not already done so, you must confirm in writing

to your department that you recognise that you continue to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by his duty of confidentiality owed to the Crown.

15. You must inform us as soon as you take up this work, or it is announced you will do so. 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.
16. We will publish this letter on the Committee's website.

Yours Sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. You said you had been approached by the KRG to provide support with domestic media during the president's visit to the U.K. The president is meeting the Prime Minister and Foreign Secretary on 16 September and you will offer a one-time only brief to help arrange and facilitate interviews with a couple of U.K. journalists during the visit.
2. The work is to provide basic comms support in the form of liaising with UK journalists and setting up interviews for them. Work will involve placing timely interviews with the right journalists and not involve liaison with HMG. You had no involvement in arranging these meetings nor will you be involved in the meetings.
3. You said your role will not involve any contact with government.

Dealings in office

4. You advised the Committee that you did not meet with the KRG while in office and made no decisions specific to the KRG. Further, you said you did not have any involvement in any relevant policy development or decisions that would have affected the KRG and no commercial or contractual responsibilities relating to the KRG.

Department Assessment

5. Cabinet Office and No.10 confirmed the information you provided, and confirmed it did not have any concerns regarding this appointment.
6. The FCDO was also consulted on this appointment and it confirmed it has no objection to you taking up this role.