



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lee Cain, Social Mobility Foundation.

1. Mr Cain, former Director of Communications at No. 10, has 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 an appointment he wishes to take up with Social Mobility Foundation (SMF) as a Mentor/Trustee. 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 time in office, alongside the information and influence a former Crown servant may offer SMF.

3. 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 risks 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

4. When considering this application, the Committee² took into account this role as a Mentor/Trustee is unpaid³. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of the government by considering the real and perceived risks associated with former Crown servants using privileged access to contacts and information to the benefit of themselves or those they represent; and to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.

5. The Committee took into account that Mr Cain did not meet with SMF and there is no commercial or contractual relationship between SMF and Cabinet Office. As a result the Committee noted Mr Cain was not involved in decisions affecting SMF. Given the above and the unpaid nature of this role, the Committee considered there was no evidence to suggest Mr Cain was offered this role as a reward for actions or decisions taken in office.

6. While this role does not overlap with Mr Cain's time in office, the Committee noted, given Mr Cain's role in government, there is a risk he could have access to relevant privileged information and knowledge, which could unfairly benefit this organisation. The Committee noted the amount of time that has passed since Mr Cain was in office and the unpaid nature of this appointment limits the real and perceived risk of individuals making improper use of information they had access to while in office for their personal benefit. Mr Cain also has an ongoing duty of confidentiality.

The Committee's advice

7. The Committee did not consider this appointment raised any particular proprietary concerns under the government's Rules. The standard conditions below, preventing him from drawing on his privileged information and using his contacts to the unfair advantage of their new employer, will sufficiently mitigate the risks in this case.

8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Social Mobility Foundation** be subject to the following conditions:

- 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;

² This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Doverty; Dr Susan Liataud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty.

³ By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government on behalf of Social Mobility Foundation (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 of Social Mobility Foundation (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 Social Mobility Foundation (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.

9. Mr Cain must inform us as soon as he takes up employment with this organisation(s), or if it is announced that he will do so and we will publish this letter on our website.

10. Any failure to do so may lead to a false assumption being made about whether he has complied with the Rules.

11. Mr Cain must inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.

12. Once the appointment(s) has been publicly announced or taken up, we will publish this letter on the Committee's website and where appropriate refer to in the annual report.

Yours sincerely

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Mr Cain said the SMF is a charity which aims to make a practical improvement in social mobility for young people. The website states SMF was founded in 2005 by Linkson Jack in order to provide opportunities, and networks of support for 16-17 year olds who are unable to get them from their schools or families.
2. Mr Cain said his role as a Trustee/ Mentor will involve providing advice and counsel to the SMF on communication issues as part of the charity's trustee board. Also mentor students from the charity. He does not expect his role to involve contact with government.

Dealings in office

3. Mr Cain confirmed he did not have any involvement with SMF while in post. He also said he did not have access to sensitive information relevant to SMF and did not meet with competitors of SMF.

Department Assessment

4. The Cabinet Office confirmed the details given in Mr Cain's application and stated it had no commercial relationship with SMF.
5. The department confirmed it had no concerns and recommended reminding Mr Cain of his ongoing duty of confidentiality. The department also acknowledged that the charity advocates and campaigns for social mobility and this may involve lobbying HMG. As such it recommended a lobbying condition.