



**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](mailto:acoba@acoba.gov.uk)

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

September 2021

**BUSINESS APPOINTMENT APPLICATION: Thomas Hurd CB, commission with Deloitte & Touche (M.E.) LLP 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 taking up a role with Deloitte & Touche (M.E.) LLP (DME) under your independent consultancy. 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 DME, based on the information provided by you and your former department.
3. The Committee considered whether this appointment was unsuitable given your former role as Director General at the Office for Security and Counter-Terrorism (OSCT), and DME's work in security and its focus on the Middle East. The Committee must also consider the information provided by the Home Office (HO) about any potential conflict. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment 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 Rules<sup>1</sup> 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

---

<sup>1</sup> 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. You noted that the provision of advice in security and justice is about '*...about how you protect and collect data in order to derive insight from it*'. The Committee<sup>2</sup> considered this commission is therefore consistent with the description of your consultancy which you described as supporting '*...private companies in their approach to risk management and analysis, in particular how to derive insight from data and act on it*'.
6. When considering this application, the Committee noted the wider Deloitte group, of which DME is a member firm, holds contracts with the government. However, the Home Office confirmed there is only one contract related to your former department - you had no involvement in that and it has now expired. There is no evidence you made decisions in office or took action in your role in the expectation of a role with DME. The Committee considered the risk of reward is low.
7. The Committee noted you would have had access to privileged information unavailable to DME's competitors, in particular in relation to issues surrounding security in the Middle East. However, it also took into consideration the information provided in respect of the limitations to your role in office. It was confirmed that whilst you were kept abreast of security issues in the Middle East broadly, policy formation and engagement in this area fell outside OSCT including within the Ministry of Defence (MOD) and the Foreign, Commonwealth and Development office (FCDO). Given the information provided by you and the Home Office, the Committee considered the risk of unfair insight and advantage to DME was most significant should you advise DME or its clients on matters related to the UK's response to counter terrorism - where you held specific responsibilities for developing and determining operational and policy decisions.
8. The Committee took into consideration your and the OSCT's limited responsibilities for broad engagement in the Middle East; and your confirmation you would not be working for Deloitte in the UK, nor would you be in contact with any stakeholders you met via your time in government service on behalf of DME. However, given the focus of the role - security in the Middle East - the Committee considered there remained risks associated with your network of contacts within the UK government and internationally, as the former Director General at the OSCT.
9. The Committee also noted there may be potential risks associated with the unknown nature of DME's clients. Specifically, should there be a client or piece of work you are asked to advise on where you had specific insight or influence as a result of your time in office. This is heightened given the broad area of work proposed with DME which could certainly overlap with matters you had direct responsibility for or advised on in government service.

### The Committee's advice

---

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

10. The Committee noted the mitigating factors that help to reduce the risks associated with your access to information and insight that may be seen to offer DME an unfair advantage as it pertains to security in the Middle East: the overlap is broad as opposed to specific; you have an ongoing duty of confidentiality; you have been out of office for over 5 months reducing the likelihood that it is sufficiently up to date; and the Home Office considered the risk associated with any specific information is low. The conditions attached to your consultancy help to mitigate the risk associated with your access to privileged information. In addition, the Committee considered it was appropriate to impose a condition which reflects that you would not be advising DME in relation to the UK's approach to counter-terrorism in the Middle East.
11. The Committee considered the conditions attached to your consultancy help mitigate the risk you could be seen to make improper use of your contacts gained in government service. Further, the Committee noted this is consistent with the description of your work which would not involve working with Deloitte in the UK, nor engaging with any contacts gained in office on DME's behalf.
12. However, there remain unknown risks you may offer insight and influence as a result of your time in office - associated with DME's unknown clients. The Committee therefore considered it appropriate to impose an additional condition to prevent you from advising DME or its clients on matters you had specific involvement with in office. The Committee noted this is consistent with your proposed role as you described it.
13. The Committee considered whether a further waiting period was necessary to put a gap between your access to information and you taking up this appointment with DME, given the potential overlap with your time in office. However, the mitigating factors in this case are set out above, and there is a significant limitation to your role as a result of the conditions imposed below. Therefore, the Committee considered that the 5 months plus that have already passed is a sufficient gap.
14. The Committee advises, under the Government's Business Appointment Rules, that your role with Deloitte & Touche (M.E.) LLP should be subject to the following conditions:
  - 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.
  - 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 become personally involved in lobbying contacts you have developed during your time in office and in other governments and organisations for the purpose of securing business for any company or organisation (including parent companies, subsidiaries and partners);
- 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 your 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.

**In addition, the Committee has imposed the following condition on this work with Deloitte & Touche (M.E.) LLP:**

- **for two years from you last day in Crown service, you should not advise DME or its clients on work with regard to any policy or operational matter you had specific involvement or responsibility for as Director General at the Office for Security and Counter-Terrorism, or where you had a relationship with the company or organisation during your time as Director General at the Office for Security and Counter-Terrorism. For the avoidance of doubt this includes the UK's approach to counter-terrorism in the Middle East.**

15. 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.
16. 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*'.

17. You must inform us as soon as you take up this work, or it is announced you will do so. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.
18. Please also inform us if you propose to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Yours Sincerely,

William Young  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. DME is a member firm of Deloitte Global, one of the Big Four accounting organisations and the largest professional services network. DME's website says it is *'legally separate [to] and independent [of]'* Deloitte Global. It is a *'...leading professional services firm established in the Middle East region with uninterrupted presence since 1926. DME's presence in the Middle East region is established through its affiliated independent legal entities, which are licensed to operate and to provide services under the applicable laws and regulations of the relevant country'*. DME provides audit and assurance, consulting, financial advisory, risk advisory and tax services.
2. You sought advice on taking on a paid role under your consultancy, as a Strategic Adviser. You said DME wishes to draw on your general experience and expertise of working in the Middle East and in the security and justice sector. You said you will provide advice and expertise to *'accelerate the firm's entry in the security and justice sector in the Middle East, contributing to strategy creation and execution.'* You advised the Committee you will help design DME's overall approach and plan senior stakeholder engagement. You said you will not be involved in forming the detail of daily advice to clients, but over time may be involved in engaging with senior clients.
3. You said the commission is to help DME in the Middle East market, not anywhere else. You said the role will not involve contact with the government or Deloitte in the UK market; and would involve no lobbying the UK government, nor engaging with stakeholders in the Middle East who you met throughout your time in office. Further, you stated you would not be advising DME on the UK's approach to counter-terrorism.

### Dealings in office

4. The OSCT is responsible for the government's strategy, policy and legislative response to the threats of terrorism. It is responsible for the Preventing Violent Extremism strategy (Prevent), as well as the UK's comprehensive counter-terrorism strategy (CONTEST). CONTEST is focused on ensuring that the government, police, local authorities, the private sector, communities and individual citizens work in partnership, using all of the tools available, to counter the threat from all forms of terrorism. You were responsible for publishing a strengthened version of CONTEST (source). The OSCT has an increasingly online focus. In order to uncover potential risks of terrorism, it relies on cooperation between the government and private companies to track user activity online through data analysis (source).
5. You said that as Director General, you were kept abreast of the overall risk in the Middle East and on specific terrorist threats where they affected UK domestic security. You were responsible for advising on policy decisions on how to respond in the UK to these specific threats. You noted you were not directly responsible for policy formation towards these countries beyond counter-terrorism, nor directly involved in bilateral relations with countries in the Middle East (which you said fell to the MOD and FCDO).
6. You noted the UK's counter-terrorism strategy (CONTEST) is a public document that provides lots of information, is shared widely overseas and communicated frequently to the press in the UK. You confirmed he will not be disclosing any details of casework, referring to the Official Secrets Act; and as above your work with DME would not relate to the specific of the UK's approach to counter terrorism.
7. You informed the Committee that as Director General at the OSCT, you had one meeting with representatives of Saudi Arabia in 2016 or 2017. This was to discuss a broad outline of government to government cooperation on security and justice projects. You said you had no further involvement with Middle East governments from 2017-2021 as the section involved with those arrangements moved to another part of the Home Office, the International Directorate. You confirmed you have no official dealings with DME or Deloitte more broadly whilst in office.

#### Department Assessment

8. The Home Office confirmed the details you provided above.
9. In relation to its relationship with Deloitte - having carried out its due diligence - one contract with Deloitte in the OSCT was identified. It confirmed you had no involvement in this and it has now expired.
10. The Home Office had no concerns in respect of your access to privileged information and noted that DME wished to draw upon your expertise. It had no objection to your taking on this work subject to conditions which prevent:
  - use of contacts relating to your career in government service

- drawing on privileged information available to you from your time in Crown service; and
- lobbying government.