



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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I am writing to you with reference to Ms Gomes da Silva's work with PLMJ and the Competition and Market Authority's (the CMA's) associated request for the Advisory Committee on Business Appointment's advice, under the government's Business Appointment Rules (the Rules).

Ms Gomes da Silva took up a role with PLMJ, a Portuguese Law Firm as a senior adviser, in November 2021. The CMA confirmed it received the application in May 2021 but it was overlooked in error and never processed. The CMA's oversight came to light when Ms Gomes da Silva sought the Committee's advice in relation to a second, unrelated role and was told by the CMA that the initial application had not been processed.

The Rules state that new appointments / employment must not be announced, or taken up, before advice is provided. The CMA asked Ms Gomes da Silva about why she took up the role without first receiving advice. She provided a number of reasons:

- she was not aware that advice was issued in all cases and therefore assumed that no contact meant no concerns. Further, she noted there was plenty of time for concerns to be raised had there been any - as she started the new role 6 months after she left government and submitted the application for advice;
- she believed she had completed what was asked of her and was unaware there was an obligation on her to follow up; and
- *'...given the inefficiency/lack of responsiveness across a number of government departments throughout the pandemic, [she] didn't see the lack of response/follow up as unusual'*

The Rules state that no new appointments are announced, or taken up, before advice is provided. Therefore, failure to seek and await advice in this case was a breach of the government's Rules and the requirement set out in the Civil Service Management Code.

The Committee recognised there was an error by the CMA that meant the application was not processed. Applicants also have a personal responsibility to comply with the Civil Service Management Code and manage the propriety of appointments taken up after leaving government service. The Committee will therefore not provide advice on this appointment.

The Committee notes the CMA is in the process of reviewing what happened and the Committee would appreciate an update from the CMA when that is complete to understand what learning can help avoid this happening again. Please do contact the Committee's Secretariat if we can be of any assistance as part of this process. In line with the Committee's policy of transparency, correspondence on this matter will be published on our website; and this letter will be copied to the Cabinet Office, as the owner of the Rules.

Isabella Wynn
Committee Secretariat