



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

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

May 2022

BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Johnny Mercer MP, former Minister for Defence People and Veterans at the Ministry of Defence and Minister for Veterans' Affairs at the Cabinet Office, paid appointment with WithYouWithMe.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a role as Consultant for WithYouWithMe. The material information taken into consideration by the Committee is set out in the below 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 minister may offer WithYouWithMe.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.
4. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to your role as a member of the House of Commons.

The Committee's Consideration

5. The Committee¹ took into consideration that there is an overlap with your work and responsibilities in the veterans sector. However, your former departments confirmed you made no decisions specific to WithYouWithMe or its competitors. WithYouWithMe has a stakeholder relationship with your former departments via the Career Transition Partnership (CTP) at the Ministry of Defence (the official provider of resettlement), but you had no official dealings with the company in office. Further, there is no commercial relationship with the departments, which confirmed you did not make any decisions specific to the organisation or its competitors individually. Therefore, the risk this role was offered as a reward for decisions made in office is low.

6. As Minister for Defence People and Veterans, you may have access to sensitive information that could present an unfair advantage to WithYouWithMe, operating in the same sector. This risk is limited given it has been over a year since you left office and had access to this information and the departments considered any information you would have had access to is now obsolete.

7. While you do not expect this role to include contact with the UK government, the Office for Veterans Affairs (OVA) noted it would be inappropriate for you to make contact with the OVA on behalf of your WithYouWithMe. The Committee agreed with the department. Further, there is a risk you would have gained contacts within other organisations specific to veterans affairs, by virtue of your role in office.

The Committee's advice

8. The Committee noted the department's confirmation that it had no concerns with you taking up this appointment, subject to you being prevented from contact with the OVA on behalf of WithYouWithMe. The Committee agreed and would draw your attention to the restriction that makes it clear you should not use contacts you have developed during your time in office in other governments and organisations for the purpose of securing business for WithYouWithMe.

9. The Committee considered it was relevant to its consideration that you have long standing interests and experience in this sector, as a former member of the military.

10. Whilst WithYouWithMe will undoubtedly gain from your profile, and your skills and experience in government, the risks associated with the overlap from your time in office are mitigated by the conditions below which prevent you from making improper use of your access to information and influence.

11. In accordance with the government's Business Appointment Rules, the Committee advises this role with **WithYouWithMe** be subject to the below conditions:

- you should not draw on (disclose or use for the benefit of yourself or the

¹ This application for advice was considered by Andrew Cumptsy; Sarah de Gay; Isabel Doverly; Jonathan Baume; The Rt Hon Lord Pickles; Dr Susan Liautaud; and Mike Weir. Richard Thomas and Lord Larry Whitty were unavailable.

persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office or in any capacity in which you continue to work with the UK government;

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or any of its arms' length bodies on behalf of WithYouWithMe (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage WithYouWithMe (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office you should not undertake any work with WithYouWithMe (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 or its arms' length bodies; and
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office in other governments and organisations for the purpose of securing funding/business for WithYouWithMe (including parent companies, subsidiaries and partners).

12. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.

13. 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 Ministerial Code/Civil Service Code or otherwise.

14. 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*'.

15. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website.

16. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.

17. You must inform us if you propose to extend or otherwise change your role with the organisation as, depending on the circumstances, it may be necessary for you to make a fresh application.

18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. You said WithYouWithMe is a veteran-led organisation specialising in digital skills development and job placement for under-represented groups including veterans. The website states WithYouWithMe builds talent where there are skills shortages in the technology sector and has solved inefficient training, education and recruiting systems. It states it achieves this through four deliberate actions; Discover, Train, Deploy & Grow. For Job Seekers it offers training, latest jobs and borrowing a Laptop. For companies it offers Talent Solutions and works with governments to hire '*...better talent faster*'.
2. You said you will take up a paid, part time role as a Consultant to:
 - Increase users of platform software as a service (SAAS)
 - Increase media visibility and political awareness to solve underemployment in veterans
 - Coordinate SAAS platform interaction with others in the veteran sector
3. You informed the Committee that you have a long standing relationship with the sector and that this role will not include contact with the government.

Dealings in office

4. You stated you neither had any dealings with, met with nor made any decisions, contractual or otherwise specific to WithYouWithMe while in office.
5. You told the Committee that you consistently engaged with all veterans groups to attempt to improve collaborations and standardisation across the sector to improve the experience for the hardest to reach veterans. However, you did not make any decisions individually specific to the organisation's competitors.

Department Assessment

6. The Ministry of Defence (MOD) and Cabinet Office (including the Office for Veterans Affairs) were contacted regarding this application. Neither department had any concerns about you taking up this role. It was stated that:
 - You did not meet with WithYouWithMe whilst in office.
 - The MOD nor Cabinet Office hold any commercial contracts with the organisation.
 - You had knowledge of the Career Transition Partnership (CTP), which helps service leaders find post-service jobs, which the proposed employer is a member but you did not make any individual decisions on.

- The current CTP contract was let before your time as a minister, and work on what follows the end of this contract commenced after your time as a minister
- You have been out of office for over a year and it was considered any information gained would now be obsolete.
- You did not make any decisions individually affecting the organisation or its competitors.

The below conditions were recommended by the department:

- In order to mitigate the risk of perception that his new employer could gain undue access to MOD over other companies providing talent services, Mr Mercer should be restricted, for the duration of applicability of the business appointment rules, from direct contact with the MOD or Defence Digital for the purpose of seeking to place clients of his proposed employer in digital jobs in the MOD.
- Mr Mercer should also be restricted, for the duration of applicability of the business appointment rules, from direct contact with the OVA on matters concerning veterans' employment.