



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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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 an appointment as a voluntary trustee for the Social Market Foundation (SMF). The material information taken into consideration by the Committee is set out in the annex below.
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 SMF.
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. When considering this application, the Committee¹ took into account this role as a voluntary trustee is unpaid². Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect

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

² 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.

the integrity of the government by considering the real and perceived risks associated with former ministers 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.

6. The Committee took into account that you did meet with SMF but this was limited to one forum to discuss BAME issues in the justice system. The Committee also noted you did not make any policy decisions that specifically impacted the SMF. Given the unpaid nature of this role the Committee considered the risk that you could be seen to have been offered this role as a reward for decisions made, or actions taken in office, was low.

7. The Committee noted that as the former Lord Chancellor and Secretary of State for Justice there is a risk you could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit SMF. However, the unpaid nature of this appointment limits the real and perceived risk of you making improper use of information you had access to while in office for your personal benefit.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing you from drawing on your privileged information and using your contacts to the unfair advantage of their new employer, will sufficiently mitigate the risks in this case. The Committee would draw your attention to the below lobbying and contracts and bids ban that prevent you using the contacts you made while in government to the unfair advantage of SMF.

9. The government's Business Appointment Rules for former ministers states that a waiting period of three months will be expected when the former minister was a member of Cabinet. As the former Secretary of State for Justice, you are subject to the standard three month waiting period.

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

- a waiting period of three months from your last day in ministerial office
- 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 ministerial office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arms' length bodies on behalf of the Social Market Foundation (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 the Social Market Foundation (including parent companies, subsidiaries, partners and clients); and

- for two years from your last day in ministerial office you should not undertake any work with the Social Market 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 or its arms' length bodies.

11. 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.

12. 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.*" This Rule is separate and not a replacement for the Rules in the House.

13. I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you will do so. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

14. 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.

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

The Rt Hon Robert Buckland QC MP

Annex - Material information

The role

1. The website states SMF is '*...Britain's leading cross-party think-tank*'. The website states it works to promote evidence-based policy and cross-party co-operation in politics. It publishes research on public policy and convene conversations that improve policy-making and public debate. It states its '*...mission is to educate the public and their representatives about how better policies can deliver greater wealth, happiness and fairness*'

2. You said you will take up an unpaid, part-time role as a voluntary trustee and your role will be to oversee the governance and strategy of the Charity and its programme of work. It would involve about 4 meetings a year plus attendance at some of its events. You confirmed your role will not involve contact with government.

Dealings in office

3. You confirmed you had one meeting with SMF with Justice when you were Lord Chancellor. You said you took part in one remote forum with SMF earlier this year about BAME issues in the justice system. You confirmed you had no other contact with them other than this.

4. You also informed the Committee you did not meet with competitors of the SMF and do not have access to sensitive information relevant to SMF.

Department Assessment

5. The department confirmed the details you provided and confirmed it has no concerns regarding this application.