



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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22 September 2022

The Rt Hon Nadhim Zahawi MP
Chancellor of the Duchy of Lancaster

Dear Nadhim

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (the Committee) to bring to your attention a breach of the Government's Business Appointment Rules (the Rules). This is outlined in the correspondence ACOBA has exchanged with the Home Office enclosed.

The Rules are set by the government, with the policy owned by the Cabinet Office. The Committee is independent, with a remit to consider applications received under those Rules, consider the risks and advise on the conditions that should apply.

It was brought to the Committee's attention that Mr Willams failed to seek advice in relation to work he understood with a consulting firm, Global Fortnis, which resulted in him working indirectly for the Home Office again.

Failure to seek and await advice in this case was a breach of the government's Rules and the requirements set out clearly in the Civil Service Management Code. This lack of awareness of the Rules by a senior civil servant is a cause for concern. Although breaches of the Rules remain a very small proportion of the casework ACOBA sees, they are most often caused by a lack of rigour within government departments that ensure departing civil servants are clear on the various processes and obligations. I therefore remain concerned that not all former ministers and Crown servants are

sufficiently clear on their obligation to personally understand and act upon the various standards of behaviour, rules and legislation that are incumbent on them.

It is the Committee's policy to act transparently, including making public any failure to follow the Rules that it is made aware of. This is an unambiguous breach of the Rules. The government owns both the Rules and their enforcement. It is now a matter for you to decide what appropriate action to take.

Yours ever
Sue Pickles

The Rt Hon Lord Pickles

Copied to: Darren Tierney Director general, Propriety and Ethics, Cabinet Office and the Rt Hon Edward Argar, Minister for the Cabinet Office and Paymaster General

**Correspondence from Rt Hon Lord Pickles to Matthew Rycroft CBE, the Home Office
Permanent Secretary, dated 22 September 2022**



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22 September 2022

Dear Matthew Rycroft CBE

I am writing to you with reference to your letter dated 12 August 2022 as Chair of the Advisory Committee on Business Appointments (ACOBA).

You informed the Committee that the former Director General for Migration and Borders at the Home Office, Glyn Williams, left government in December 2021 and subsequently took up an appointment with Fortnis Global in April 2022 (I have enclosed your correspondence below for ease).

You said Mr Williams received advice from Civil Service HR which indicated an application to ACOBA under the government's Business Appointment Rules (the Rules) would be needed for any new appointments or employment within two years of leaving the Civil Service. He was also informed this would not be needed if he returned to the Civil Service as a part-time Director General.

Mr Williams provided a separate explanation. He said HR correspondence dated 1 October 2021 contained a paragraph on employment outside the civil service. He described this letter as saying:

'...approval was required before taking any employment, "if they have had any form of official dealings with their prospective employer". It also said that the aim of the rules is to avoid suspicion that a serving employee might have been influenced by the prospect of future employment with a particular organisation, and to avoid the risk that that organisation might gain unfair advantage through access to privileged information it could not otherwise obtain'.

Mr Williams said he had not had any previous dealings with his new employer and *'...as it was clear that my role would not involve sharing privileged information, I did*

not think I was required to seek approval through ACOBA and that was why I did not do so'. Mr Williams in his dealings with ACOBA has acknowledged this was incorrect, he should have sought advice. He added that whilst he did not deliberately seek to avoid compliance with the Rules, he regretted not making an application as was required. Mr Williams also stated he did not lobby, draw on any commercially sensitive information nor have any involvement in bids for commercial contracts with the Home Office.

The Rules are a set of principles which exist to protect the integrity of government. This is impossible to do credibly after someone has taken on a role. From your correspondence I understand Fortnis Global started working with the Home Office after Mr Williams started working with the firm. Any suspicion around this timing is exactly the kind of risk to the integrity of government that the Rules are designed to protect.

The Rules state that new appointments or employment must not be taken up or announced before advice under the Rules is provided. Failure to seek and await advice in this case was a breach of the government's Rules. Had Mr Williams sought advice, a risk assessment would have been carried out in relation to this role which overlapped with his time in office; and the appropriate conditions would have been made clear to Mr Williams, Fortnis Global and the public.

Thank you for bringing this matter to my attention and I understand you are working with the Cabinet Office, as owner of the Rules, to provide training and support to the department to raise awareness and improve compliance with the Rules. I would appreciate an update from the Home Office on the particular steps being taken to avoid this happening again. Please also contact the Committee's Secretariat if we can be of any assistance as part of this process.

As with all breaches of the Rules, I am reporting this matter to the government, as owner of the Rules; and in line with our policy of transparency, I will be publishing our correspondence on this matter in due course.



The Rt Hon Lord Pickles

Correspondence from Matthew Rycroft CBE, the Home Office Permanent Secretary, to the Rt Hon Lord Pickles dated 12 August 2022

The Rt Hon Lord Pickles
Chair, Advisory Committee on Business Appointments
Room G/8
1 Horse Guards Road

London
SW1A 2HQ

Dear Lord Pickles,

GLYN WILLIAMS, FORMER DIRECTOR GENERAL, HOME OFFICE – EMPLOYMENT WITH FORTINUS GLOBAL

I am writing to you to advise of, and apologise for, a breach of the Business Appointment Rules, and request the advice of the Committee.

Glyn Williams retired from his post as Director General, Migration and Borders in the Home Office in December 2021. On his retirement, he was advised by the Home Office of the need to make an application to ACOBA under the Business Appointment Rules regarding any new appointments or employment within two years of leaving the Civil Service.

We understand that Glyn subsequently received advice from Civil Service HR indicating that this would not be needed if he returned to the Civil Service under an arrangement as a part-time Director General. The Home Office had been exploring ways to make the most of Glyn's significant experience and expertise in immigration matters post-retirement.

Subsequently, in April 2022, Glyn took up an appointment with Fortinus Global, a consultancy organisation specialising in immigration and border management. He had no official involvement with Fortinus prior to his retirement. As we had been seeking expert consultancy support on immigration systems and policy, we brought in Fortinus to provide a managed service to the Home Office to provide this support. The contract with Fortinus does not name any individual required to provide the work, but Glyn has been supplying his expertise to the Department through this contract.

Glyn believed that the previous advice he had received from Civil Service HR applied to this arrangement also, and so did not make an application to ACOBA covering his appointment with Fortinus. We have discussed with Glyn and agreed that this is not the case; as his appointment with Fortinus fell within the two-year period during which he is required to make BAR applications, he should have applied to the Home Office for us to submit to ACOBA before he took up this post, as he was advised by us before he retired.

It is unfortunate that this has happened, and I would like to apologise to the Committee on behalf of the Home Office. Although this is the outcome of a misunderstanding of the advice Glyn received, we nevertheless appreciate the seriousness of the situation. I fully appreciate the importance of the Business Appointment Rules and the responsibilities that I, individuals leaving the Civil Service, and my Department all have in upholding them. I have asked my team to investigate how this happened, and to put in place steps to prevent a similar situation arising in the future. I have also asked the Cabinet Office to provide us with additional support and refresher training in relation to the Business Appointment Rules.

In the meantime, we have continued to engage with Fortinus, due to the importance of the policy issues on which they are supporting. We understand that ACOBA will not consider retrospective applications, so we are not now submitting such an application covering Glyn's appointment with Fortinus, but would welcome the Committee's advice on how to proceed. If a retrospective application would be considered, we would be glad to make one on Glyn's behalf.

Matthew Rycroft
Permanent Secretary

Correspondence from Mr Glyn Williams to the Rt Hon Lord Pickles dated 25 August 2022

'STATEMENT BY GLYN WILLIAMS

Prior to being engaged by Fortinus Global (FG) in April 2022, I had had no dealings with them whatsoever.

My role with FG is to help clients understand immigration policy. This is strictly limited to matters that are in the public domain – mainly concerned with the Future Borders and Immigration programme and New Plan for Immigration, as set out in various published White Papers, policy statements and legislation. I have not shared any knowledge that was privileged, in the sense of known to me by virtue of my previous employment in government, and which could not otherwise have been known.

I have not made any improper contacts with Home Office officials since leaving the Department or sought to gain access to information not in the public domain.

I have not lobbied Government Ministers or officials in support of any clients of FG or any other interests.

I have not shared any commercially sensitive information with FG which would put them or their clients at a competitive advantage compared with other companies in this field or which could be regarded as the trade secrets of competing parties. I am not involved in any bids for commercial contracts with the Home Office or anyone else. In any case I did not have responsibility in the Home Office for procurement or commercial matters and have no such information.

I am employed by FG on a zero hours contract, with an average of 5 hours' work a month so far. I am not paid a salary or retainer.

I was approached by the Home Office in April 2022 about the possibility of me doing some work for the Home Office in the area of asylum and international agreements. I said I was interested and that the contractual arrangements should be made through FG and not directly with me. As the Department wanted my services in particular, I do not think any other firm has been disadvantaged in terms of competing for this work.

When I advised the Home Office last year of my intention to retire, I was sent a letter by HR dated 1 October 2021 about various administrative matters connected with my retirement. This contained a paragraph on employment outside the civil service. This says that government approval is required before taking any employment, "if they have had any form of official dealings with their prospective employer". It also said that the aim of the rules is to avoid suspicion that a serving employee might have been influenced by the prospect of future employment with a particular organisation, and to avoid the risk that that organisation might gain unfair advantage through access to privileged information it could not otherwise obtain.

As I had not had any previous dealings with FG and as it was clear that my role would not involve sharing privileged information, I did not think I was required to seek approval through ACOBA and that was why I did not do so.

I recognise, having consulted the full version of the Business Appointment rules (to which there was a link in the 1 October letter), that this was too narrow an interpretation of the rules as they apply to me and that I should have sought approval before taking employment with FG. I also accept that the onus was on me to understand and comply with the Rules and not merely to rely on the wording of the 1 October letter.

I regret not having sought approval but did not deliberately seek to avoid compliance. In fact, I thought I was in compliance with the Rules, given the circumstances of the appointment as set out above. I would of course have made a request for approval had I realised this was necessary.

*Glyn Williams
24 August 2022'*