



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION: Matthew Gould CMG MBE, former Director General for Digital Transformation at the Department of Health and Social Care (DHSC) and National Director for Digital Transformation at NHS England. As well as the former CEO of NHSX. Paid appointment with the Zoological Society of London.**

1. Matthew Gould sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Civil Servants (the Rules) on an appointment he wishes to take up with the Zoological Society of London (ZSL) as Director General. 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 Mr Gould's time in office, alongside the information and influence a former Crown servant may offer ZSL.
3. 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 for a former Crown servant 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 risks presented**

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<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. While there is a relationship between ZSL and the government, which includes public funding, this sits outside DHSC/NHS/NHSX England where Mr Gould has been working for the last three years. Therefore, the Committee considered the risk he could be seen to have been offered this role as a reward for decisions made, or actions taken in office, was low.
6. This appointment has no direct overlap with Mr Gould's recent time in office. He may have had access to privileged information of relevance from this time at the Department for Digital, Culture, Media and Sport (DCMS), though this is restricted to information around the lease for London Zoo and was now over three years ago. DHSC does not consider he has had access to any privileged information that could provide an unfair advantage in his recent roles. Therefore the risks associated with Mr Gould's access to information are limited.
7. The Committee<sup>2</sup> recognised this appointment is likely to include contact with the government, in particular with the Department for Environment, Food and Rural Affairs (DEFRA) and the Foreign, Commonwealth and Development Office (FCDO), as the departments responsible for regulation and national and international conservation. The Committee considered it significant the proposed contact is to aid discussions in biodiversity and conservation and Mr Gould has been clear the contact will not involve lobbying the government. It is important Mr Gould's proposed contact is not with his former department and this relationship is already established, with a framework in place, between the government and ZSL. The nature of the organisation is also relevant, ZSL is a charity focussed on protecting and preserving nature through conservation and biodiversity - work which aligns with government priorities. In the circumstances, it considered his proposed contact with the government would be in keeping with the conditions below and would not be improper.

### **The Committee's advice**

8. The Committee considered the risks above are limited given there is no direct overlap between Mr Gould's time at DHSC/NHS England and this role.
9. The standard conditions below prevent Mr Gould from making use of the information and contacts gained in office to the unfair advantage of ZSL. As above the proposed contact with government would be consistent with the conditions. The Committee does wish to make it clear it would be inappropriate for Mr Gould to use his contacts improperly to influence the government - for example in relation to further funding.
10. The Committee's, under the government's Business Appointment Rules, is that this appointment with **the Zoological Society of London**, should be subject to the following conditions:
  - Mr Gould can draw on skills and experience gained from his time in office. However for two years from his last day in Crown service he must

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

not, at any time, draw on any privileged information gained in office. Any contact with the government, directly or indirectly, must only be where it could not reasonably be perceived as lobbying; and

- for two years from his last day in Crown service he must not work or advise on any bids to secure governmental funding or contracts. He may only work on or advise on the subject matter of contracts the Zoological Society of London may have with the government (or related matters), provided he does not draw on any privileged information or contacts from his time in office.
11. 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 your personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
  12. 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.
  13. 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.
  14. Mr Gould must inform us as soon as he takes up this role, or if it is announced that he 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 he had complied with the Rules and the Civil Service Code.
  15. Mr Gould must also inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
  16. 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.

Yours sincerely,

## Annex - Material information

### The role

1. Mr Gould sought the Committee's advice on taking up a paid, full-time role as director general at ZSL. He described the nature of ZSL's business as '*Conservation and biodiversity, through conservation projects around the world, a scientific department, two zoos (London and Whipsnade) and education activities*'. ZSL is a registered charity. ZSL's website described it as an international conservation charity, with a vision for a world where wildlife thrives. It says it works to achieve this through its science, its field conservation around the world, and by engaging millions of people through its two Zoos, ZSL London and ZSL Whipsnade.
2. ZSL receives funding via a number of government grants for example recently ZSL collaborated with the Centre for Environment, Fisheries and Aquaculture Science, the Cetacean Strandings Investigation Programme (CSIP) to produce the world's largest dataset on chemical pollutant exposure in cetaceans. In the reporting year of 2020-2021 it secured a 10-year funding contract with Defra and the Welsh Government, safeguarding the project's future until 2031. It offers its expertise and insight to the government and the wider public on wildlife disease and public health. For example, ahead of the G7 Summit, ZSL worked with the UK and overseas governments to help them meet some of their conservation commitments.
3. Mr Gould explained ZSL's objectives in biodiversity and conservation are tightly aligned with those of the government. Therefore, he said their relationship is based on a '*...two-way partnership rather than ZSL lobbying government or vice versa*'.
4. Mr Gould said he would be leader of the Executive Team, '*...responsible for ensuring that ZSL works as a coherent and collegiate whole, defining priorities clearly and implementing them effectively, while maximising the financial budgets available*'. He said his responsibilities would include the following:
  - Leading, developing and empowering the Executive Team, overseeing the zoos' commercial operations so that they generate a robust financial base from which to support ZSL's impact as an international conservation organisation.
  - Leading, engaging, inspiring and developing all ZSL staff and volunteers, and promoting and leading constructive and effective working relationships with internal and external stakeholders to the benefit of ZSL's mission.
  - Enhancing and growing the standing and visibility of ZSL as a science-led conservation charity, both nationally and internationally,

representing it at the highest levels with government, business, donors, and with extensive external stakeholders.

- Leading the continued evolution of ZSL's business model, establishing a sustainable commercial basis to underpin all activities, including the generation of sufficient funding for the capital-intensive zoos, supporting the growth of ZSL's science, and further developing ZSL's fundraising capability.
  - The creation and realisation of commercial and investment opportunities, and owning the key business partnerships designed to generate the capital required for long term investment in ZSL's charitable activities.
  - Leading the delivery of a '...blueprint (masterplan)' for the two UK sites and implementing the changes required.
  - Making proposals to ZSL's council on the strategy, plans and programmes that the charity should adopt, and on the effective development of all aspects of its policies and operations, working with the directors and consulting the relevant committees as appropriate in the formulation of these proposals.
  - Guiding and assisting the council and committees to ensure the activities of ZSL are run in accordance with relevant legislative requirements, governance and good practice, and within its constitution.
  - Being responsible to the trustees for appointments, career development, and where necessary performance management, of the executive team roles which require council approval.
5. Mr Gould said this role would involve working with the DEFRA on the regulation of zoos, and with the FCDO on national and international conservation. On his contact with DEFRA, Mr Gould said *'In the key areas of shared interest, such as rules around animals in captivity, the initiation of contact will go both ways'* He said ZSL will have an interest in the regulations being right, and DEFRA will have an interest in using ZSL's expertise to get the regulations right.
6. Mr Gould said this role would also involve limited dealings with DCMS as it owns the lease for London Zoo. He said ZSL receives no funding from DCMS or its arm's length bodies. He said the individuals he would have contact with are senior officials at FCDO, DEFRA and DCMS. He said *'All these relationships are very long-standing, and none of them have been forged in the last three years in my current role'*.
7. Mr Gould said he would have no dealings with the DHSC or NHS England in this role.

#### Dealings in office

8. Mr Gould said he did not meet with ZSL while at DHSC and made no policy or regulatory decisions affecting ZSL. He also told the Committee he did not meet with competitors of ZSL nor did he have access to sensitive information affecting ZSL.

## Department Assessment

9. DHSC confirmed the details Mr Gould provided. It noted Mr Gould had '*...limited dealings with London Zoo*' in his previous role at DCMS, which he left over 3 years ago. The department confirmed he has had no dealings with ZSL in his previous roles at NHSX, NHS England and DHSC.
10. DHSC said it has no reservations about this appointment and recommended the standard conditions.