



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

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**BUSINESS APPOINTMENT APPLICATION: Michael Driver CB, former Chief Financial Officer and Acting Permanent Secretary at the Ministry of Justice (MOJ), and Senior Responsible Owner, Borders Programme at the Department for Health and Social Care (DHSC). Appointment with Civil Service College.**

1. Mr Driver sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on an appointment he wishes to take up with the Civil Service College as an advisor and consultant. 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 an applicant's time in office, alongside the information and influence a former Crown servant may offer the Civil Service College. 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 in any other respect.
3. 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

4. The Committee<sup>2</sup> noted the Ministry of Justice (MOJ) has a contractual relationship with the Civil Service College. However, the Committee noted the MOJ confirmed he had no involvement in this decision and in his roles with the MOJ and DHSC, Mr Driver did not make any decisions specifically affecting the Civil Service College - although as Interim Permanent Secretary he had responsibility for the dept, these contracts predate this. Further, Mr Driver did not meet with the Civil Service College whilst in government. The Committee considered the risk of this appointment being offered as a reward for decisions made in post as low.
5. The Committee noted Mr Driver will have had general access to information that could provide an unfair advantage to the Civil Service College. However, the Committee noted both departments (DHSC and MOJ) did not consider Mr Driver's access to information to pose any particular risk in relation to this work, and noted ten months have passed since he was in government.
6. Additionally, while Mr Driver does not expect this role to include contact with the UK government, the Committee noted the Civil Service College has a contractual relationship with government. As such it could be perceived that his contacts within the government could unfairly assist the Civil Service College. However, the Committee did note the Civil Service College already has an established relationship with government.

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

7. The Committee noted the department's confirmation that it had no concerns with Mr Driver taking up this appointment. Further, he is subject to the conditions below which prevent him from drawing on his information and network to unfairly benefit the Civil Service College. As such, whilst the Civil Service College will undoubtedly gain from his skills and experience in government, the risk he could use his contacts and information to unfairly benefit the Civil Service College are mitigated.
8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **the Civil Service College** be subject to the following conditions:
  - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
  - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its Arm's Length Bodies on behalf of the Civil Service College (including parent companies, subsidiaries, partners, clients and members); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service contacts

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

to influence policy, secure business/funding or otherwise unfairly advantage the Civil Service College (including parent companies, subsidiaries, partners, clients and members); and

- for two years from his last day in Crown service, he should not provide advice to the Civil Service College (including parent companies, subsidiaries, partners, clients and members) 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 any of its Arm's Length Bodies.
14. 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.
  15. 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 or otherwise.
  16. 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*'.
  17. Mr Driver must inform us as soon as he takes up employment with this organisation, 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 has complied with the Rules.
  18. Please also inform us if Mr Driver 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.
  19. 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,

Isabella Wynn  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. Mr Driver stated the Civil Service College is a learning and development organisation. The website states the Civil Service College was founded in 2012 following the closure of the National School of Government in 2010. Civil Service College offers innovative training courses across subjects, from accountability and governance to leadership training, finance management, project management and personal development. The organisation comprises of a core group of trainers from former Civil Service and Public Sector backgrounds and draws on a wider network of authoritative, experienced and skilled associates and contacts to deliver specialist training.
2. Mr Driver stated he wishes to take up a paid, part-time role as an advisor and consultant. He said the purpose of the role is to support work with international clients with a focus on:
  - Providing advice and consultancy support on international finance and leadership
  - engagements / events.
  - Identify speakers and trainers for engagements / events.
  - Speak at and where appropriate facilitate engagements / events (these may be held in the UK or overseas).
3. He does not expect his role to involve contact with government.

### Dealings in office

4. Mr Driver said he had had no official contact with the Civil Service College when he was in government and said he:
  - did not have any involvement in any relevant policy development or decisions that would have affected the Civil Service College;
  - do not have access to sensitive information that would provide an unfair advantage;
  - had no commercial or contractual responsibilities relating to the Civil Service College; and
  - did not meet with competitors of the Civil Service College nor have access to sensitive information regarding competitors.

### Department Assessment

5. Both DHSC and MOJ were consulted on this application. Both departments confirmed the details Mr Driver provided. The MOJ confirmed there is a contractual relationship between themselves and the Civil Service College but the MOJ confirmed Mr Driver was not involved in any contractual or policy decisions specifically affecting the Civil Service College.

6. Both departments stated Mr Driver had no access to specific information that could provide an unfair advantage.
7. The department wanted to note the Civil Service College is completely unconnected to the Civil Service.
8. The MOJ stated this appointment '*...is clearly based on his knowledge and insight of working within Gov and leading a profession*'. Neither department raised any concerns with Mr Driver taking up this role.