



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Vice Admiral Paul Bennett CB OBE, former Chief of Staff to the Supreme Allied Command Transformation at NATO, the Ministry of Defence. Commission with Capita plc under his Independent Consultancy.

1. You 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 taking up a commission with Capita plc (Capita) under your independent consultancy. 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 your time in office, alongside the information and influence a former Crown servant may offer Capita, based on the information provided by you and your former department.
3. The Committee considered whether this commission was unsuitable given that Capita operates in the defence market, overlapping with your time in office. The Committee also considered the information provided by the Ministry of Defence (MOD).
4. 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 commission in any other respect.
5. The Rules¹ 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 risk presented

6. This commission falls within the scope of your consultancy which you described as a vehicle to provide strategic advice to organisations, including those within the defence sector. Within the defence sector you said your consultancy would focus on the

¹ 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.

'...contemporary operating environment' and international defence matters including strategic planning, training and exercises. As a Member of the Advisory Board for Capita Defence and Security, you said you would provide advice to executives on strategy and the business environment - with a '*...strict internal focus at Board level*'.

7. You had no official dealings with Capita whilst in office, nor did you make any decisions specific to the company. Capita operates in defence, as well as in other sectors, and has a contractual relationship with the MOD. NATO has no known contractual relationship with Capita. The MOD confirmed you had no involvement with its contracts with Capita, which fell outside of your responsibilities. The Committee² noted the majority of these contracts have been awarded via a Crown Commercial Service³ framework, an open and transparent process approved by the Cabinet Office. Therefore, despite the commercial relationship that exists between the MOD and Capita, the Committee considered the risk of this work being offered as a reward for decisions made, or actions taken in office, as low.
8. Your role with Capita has a broad overlap with your time in office. The Committee considered the main risk in this application is the potential for you to advise the company on the UK MOD or NATO's business. It is significant that your consultancy is undertaking the military/strategic context and that in this role, this would involve interpreting MOD policies and announcements with a '*...strict internal focus at Board level*' - drawing on your generic skills and experience from your many years of military service.
9. The Committee noted there are a number of mitigating factors that help to reduce the risks associated with your access to information and insight that may be seen to offer Capita an unfair advantage:
 - The MOD confirmed you have not had specific access to information at the UK MOD for the last 4 years, whilst you were serving at NATO; nor did it consider your access to information at NATO raised any specific concerns in relation to this role.
 - You left Crown service 7 months ago and last had access to information at NATO 14 months ago, reducing the likelihood that any privileged information you had access to is sufficiently up-to-date.
 - You are prevented from drawing on privileged information and have an ongoing duty of confidentiality.
10. Capita's clients are unknown. Although your role is internally focused, the Committee considered there is a risk you may be asked to advise in relation to clients who were affected by matters that relate to areas you had direct involvement in, or in respect of clients you had a relationship with whilst in Crown service.
11. There is also a risk associated with your potential influence, should Capita be seen to make improper use of your privileged network gained as a result of your time in office. This includes your contacts in the UK government, the UK MOD and NATO - including its allied nations' governments and/or militaries.

The Committee's advice

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

³ Crown Commercial Service uses collective purchasing power to help the UK public sector save money when buying common goods and services: <https://www.crowncommercial.gov.uk/about-ccs/>

12. The Committee determined the majority of the risks above can be appropriately mitigated by the conditions that apply to your consultancy. These conditions make it clear you cannot make use of your access to information or influence gained from your time in Crown service to the unfair advantage of Capita and the companies it works with.
13. As Capita's clients are unknown, the Committee also imposed a further condition. This makes it clear that in working with the company, you should not advise on work with regard to any policy you had specific involvement in or responsibility for during your time at the UK MOD or NATO.
14. The Committee advises, under the Government's Business Appointment Rules, that your **commission with Capita plc** be subject to the conditions of your consultancy listed below, alongside an additional condition as per paragraph 15:
- 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 Crown service;
 - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government (including the UK MOD) and its arm's length bodies, nor NATO and its allied nations' governments and/or militaries, on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service, the UK MOD or NATO to influence policy, secure business/funding or otherwise unfairly advantage those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in Crown service, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government (including the UK MOD) and its arm's length bodies, nor NATO and its allied nations' governments and/or militaries;
 - for two years from your last day in Crown service, you should not become personally involved in lobbying contacts you have developed during your time in office and in other governments and organisations for the purpose of securing business for your independent consultancy and its clients; and
 - for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.
15. **In addition, the Committee has imposed the following condition on this work with Capita plc:**
- for two years from his last day in Crown service, you should not advise Capita plc (including parent companies, subsidiaries, partners and clients) on work with regard to any policy or operational matter you had specific involvement or

responsibility for at the UK MOD or NATO, or where you had a relationship with the company or organisation during your time at the UK MOD or NATO.

16. The advice and the conditions under the government's Business Appointment Rules relate to your previous roles 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.
17. 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.
18. 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*'.
19. 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. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
20. You must 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.
21. 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,

William Young
Committee Secretariat

Annex - Material information

The role

1. You said you have been offered a paid, part-time commission with Capita as a Member of Advisory Board for Capita Defence and Security. You said the Advisory Board for Capita Defence and Security will provide advice to executives on strategy and the business environment (as opposed to business development). You said you are

'...being contracted with a strict internal focus' at Board level. You said your responsibilities on the Advisory Board would include the following:

- Developing an understanding of the business, market and industry trends.
 - Help shape and challenge the business strategy and delivery plan.
 - Provide advice on issues raised by management.
 - Provide unbiased insights and ideas from a third-party point of view.
 - Encourage and support the exploration of new business ideas.
2. You said Capita wishes to employ you because of your military background, as the company does not have this perspective at Board level. You said you would advise on and interpret MOD policies and announcements. You said you '*...will explicitly not; 1) seek business for Capita, 2) involve [yourself] in any commercial relationships with the UK MOD or NATO*'. You said the Advisory Board for Capita Defence and Security will advise the company's primary Board, not the business development team or those putting together bids. You said you expect to be involved in describing the implications of published policy such as Multi-Domain Integration⁴, Cyber Strategy⁵ and the People Strategy⁶.
3. You said you would have no contact with government in this role.

Dealings in office

4. You advised the Committee that you did not meet with Capita or its competitors whilst in office. You said you did not have involvement in any policy or commercial decisions that would have been specific to the company. You said you were responsible for strategy, communications, links with other NATO entities and the internal workings of the HQ. You said the HQ was responsible for describing the future of the Alliance, having dealings with think-tanks and other groupings, including some industry participation across Europe and North America. You said although the HQ was responsible for capability requirement setting for the NATO Command Structure, this fell outside your role and was run exclusively by a US 3* Officer.
5. You said you have been detached from the MOD and UK industry for the last 4 years whilst at NATO and during resettlement, and therefore you have very limited, current privileged information. 14 months that have passed since you left your NATO role (and 7 months since your last day in Crown service).
6. You said the MOD has a contractual relationship with Capita. You said the Allied Command Transformation - where you were Chief of Staff - does not deal with contracts, but defines the requirements for delivery by the NATO procurement agencies. As above, the capability portfolio and any engagement with industry was run exclusively by another individual, a US 3* office - outside of your command.

Department Assessment

7. The MOD and NATO confirmed the details you provided, stating they have no concerns with the appointment.
8. The MOD confirmed it has a contractual relationship with Capita. The majority of the MOD's contracts with Capita were awarded via a Crown Commercial Service

⁴ <https://www.gov.uk/guidance/multi-domain-integration>

⁵ <https://www.gov.uk/government/publications/government-cyber-security-strategy-2022-to-2030>

⁶ <https://www.gov.uk/government/publications/defence-people-health-and-wellbeing-strategy-2022-to-2027>

framework, an open and transparent process approved by the Cabinet Office. The MOD confirmed its spend on contracts with Capita is in the billions.

9. The MOD said you have been employed by NATO, '*...far removed*' from contractual discussions in UK Defence for 4 years. The department and NATO also confirmed you had no responsibility for tenders or contracts in your recent appointment at NATO. The MOD confirmed its contractual relationship with Capita fell outside of any of your responsibilities in office.
10. The MOD said you have no access to privileged information at the UK MOD other than the '*...general knowledge accrued from [your] military career*'. The department said the 4 year period you have spent at NATO has mitigated the risk specific to the UK MOD.
11. In respect of your access to information at NATO, the department said you were '*...responsible for the conceptual development of the Alliance, but this was at the strategic level and did not translate to capability choices, which are, in any case, for nations and not the NATO Command Structure of which Bennett was a part*'. Further, the MOD noted the time you have spent on resettlement leave with no access to information at either NATO or the UK MOD (you left post at NATO 14 months ago).
12. The MOD said it has no reservations about this appointment. The department noted three key points:
 - 1) Whilst you have extensive military knowledge based on 36 years of service, '*...none of this has been of a contractual nature*'.
 - 2) You minted to remain focused internally and at the strategic advice level in your role with Capita. You will not be involved in contracts.
 - 3) '*...in terms of an air-gap between service and civilian employment, the 3 years in NATO should remove any UK concerns and, in NATO, the fact that [the Allied Commander Transformation] did not undertake contractual discussions and that it has been over 14 months since [you] left the organisation removes any risk that there would be a NATO conflict of interest*'.
13. The MOD recommended the following conditions:
 - The standard conditions, extended to cover NATO.
 - '[You] *should not be in contact with NATO or any company or organisation he had a relationship with during his time at NATO with a view to discussing business opportunities for his new employer. This does not preclude routine contact on other matters.*' The MOD said this condition '*...would further reduce the risk of perception of undue profit by the areas of defence business in which he has most recent currency*'.