



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Mark Sweeney, former Director General, Domestic and Economic Affairs, Cabinet Secretariat at the Cabinet Office. Paid appointment with Brunswick Group Services Limited.

1. Mr Sweeney 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 Brunswick Group Services Limited (Brunswick) as a Partner. 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 Sweeney's time in office, alongside the information and influence a former Director General at the Cabinet Secretariat may offer Brunswick.
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 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

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

5. The Committee² noted there is no relationship between Brunswick and the Cabinet Office. Mr Sweeney did not meet with Brunswick whilst in government, nor did he make any decisions specific to the company. The Committee therefore considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
6. As Director General, Domestic and Economic Affairs, Cabinet Secretariat, Mr Sweeney oversaw collective agreement for government policy across the cabinet committee structure. As such, he will have had access to wide range of government policy. Given the range of sectors Brunswick operates in, some of his proposed work may overlap with matters he had access to.
7. The Committee noted there are a number of mitigating factors that help to reduce the risks associated with Mr Sweeney's access to information and insight that may be seen to offer Brunswick an unfair advantage:
 - the Cabinet Office confirmed Mr Sweeney was not materially involved in policy decisions. Rather, he had a brokering role to ensure collective agreement for government policy across the cabinet committee structures. As such, a deep knowledge of such policies was not necessary, and any policy he had access to was at a high level.
 - the work he was involved in, by its nature, is in the public domain having gone through collective agreement and been announced. The Cabinet Office confirmed any policy he had access to was at a late stage and soon to be announced.
 - Mr Sweeney has not been in his role as Director General, Domestic and Economic Affairs, Cabinet Secretariat since 7 September; and has been re-deployed to work on other matters before leaving government. This has created a 3 month gap between his access to information and his proposed start date at Brunswick in December.
 - The changes in government administration and policy decisions which followed the moratorium on policy development in July reduce the risks associated with his access to policy information, as the information is unlikely to be sufficiently up to date.
 - He is prevented from drawing on privileged information and has an ongoing duty of confidentiality.
8. There is a risk associated with his potential influence, should Brunswick be seen to make improper use of his privileged network of contacts within government - especially as the company has a clear interest in government policy. The Committee considered it significant that Mr Sweeney's role will not involve any contact with government and Brunswick wrote to the Committee to confirm it '*...will put in place appropriate arrangements in order to ensure that any restrictions, conditions and limitations that are placed upon Mark Sweeney by ACOBA as a condition of employment are applied.*'
9. Brunswick's clients are unknown. Whilst there is no direct overlap with Mr Sweeney's role in office, which was internal, there is a limited risk in respect of

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

unknown clients - should they present a conflict with information and decisions he had access to and sight of in office.

The Committee's advice

10. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Mr Sweeney cannot make use of information or influence gained from his time in Crown service to the unfair advantage of Brunswick and the companies it works with. The Committee noted Mr Sweeney and Brunswick's acceptance of these conditions and commitment to abide by them.
11. As Brunswick's clients are unknown, the Committee needs to mitigate the risk associated with that. Although given Mr Sweeney's role was not responsible for making policy decisions, he was privy to a breadth of information and may have stepped into some issues in depth when brokering Cabinet agreement. The Committee has imposed a condition which makes it clear that in working with Brunswick, Mr Sweeney should not advise on work that arises where it relates to matters he had a material role in developing or determining during his time as Director General, Domestic and Economic Affairs, Cabinet Secretariat.
12. The Committee advises, under the government's Business Appointment Rules, that Mr Sweeney's appointment with **Brunswick Group Services Limited** 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 Brunswick Group Services Limited (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Brunswick Group Services Limited (including parent companies, subsidiaries, partners and clients);
 - for two years from his last day in Crown service, he should not provide advice to Brunswick Group Services Limited (including parent companies, subsidiaries, partners and clients) 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 or any of its arm's length bodies; and
 - for two years from his last day in Crown service, he should not advise Brunswick or its clients on work with regard to any policy which he had a material role in developing or determining as Director General, Domestic and Economic Affairs, Cabinet Secretariat at the Cabinet Office, or where he had a relationship with the company or organisation during his time in this role.

13. The advice and the conditions under the government's Business Appointment Rules relate to Mr Sweeney's 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 an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
14. 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.
15. 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*'.
16. You must inform us as soon as Mr Sweeney takes up employment with this organisation, or if it is announced that he 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 he has complied with the Rules. You must also inform us if Mr Sweeney 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.
17. 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,

Cat Marshall
Committee Secretariat

Annex - Material information

The role

1. Mr Sweeney explained he was not materially involved in policy decisions. Rather, he had a brokering role to ensure collective agreement for government

policy across the cabinet committee structures. Mr Sweeney noted he has not been in his role as Director General, Domestic and Economic Affairs, Cabinet Secretariat since 7 September when his successor was appointed; and he has been re-deployed to work on other matters before leaving government. This has created a 3 month gap between his access to information and his proposed start date at Brunswick in December.

2. Mr Sweeney said he has been offered a paid, full-time appointment with Brunswick as a Partner. He would be based in the London office but would join teams across Brunswick's international network in 16 countries. He said this broadly covers the USA, Brazil, Australia, the EU and Member States, the Gulf States, South Africa, Singapore, China and Hong Kong, as well as the UK.
3. Mr Sweeney said he would help Brunswick to contribute to its advice to private and third sector organisations '*...on their external and internal communications, strategies, risk management, significant transactions and response to crises and societal issues*'; and have no contact with government and that he would have no involvement in lobbying.
4. Brunswick confirmed that it was aware of ACOBA's role and it '*..will put in place appropriate arrangements in order to ensure that any restrictions, conditions and limitations that are placed upon Mark Sweeney by ACOBA as a condition of employment are applied.*'
5. Mr Sweeney said this work would potentially be across a wide range of sectors including the following:
 - Consumer Industries.
 - Energy and Resources,
 - Financial Institutions.
 - Foundations and Non-Profits.
 - Healthcare and Life Sciences.
 - Industrials and Infrastructure.
 - Real Estate.
 - Technology.
 - Media and Telecoms.

And potentially cross a wide range of practice groups, including:

- Business and Society.
 - Creative Campaigns and Content.
 - Cybersecurity and Data Privacy.
 - Digital and Insight.
6. Mr Sweeney said he has not yet been allocated any specific clients. However, he said '*...Brunswick's client base is in the main larger corporate bodies, either stock market-listed or privately-owned, many of whom operate in a regulated environment*'. Mr Sweeney said Brunswick also supports some larger international third sector organisations and artistic organisations such as museums and galleries through Brunswick Arts.

Dealings in office

7. Mr Sweeney advised the Committee he did not meet with Brunswick whilst in office; nor did he have involvement in any policy development or decisions that would have been specific to the company, and held no commercial or contractual responsibilities relating to it. He did not meet with competitors of the company, nor did he have access to sensitive information regarding competitors.

Department Assessment

8. The Cabinet Office confirmed the details Mr Sweeney provided, including the reduction of his duties since July 2022. It also confirmed it has no open contracts with Brunswick.
9. The Cabinet Office said Mr Sweeney has had access to a wide range of high level policies that require collective cabinet agreement. The department said he was frequently exposed to emerging policies and areas that require more sensitive handling to achieve such agreement. However, the Cabinet Office said the cabinet committee '*...is often involved at a relatively late stage of the process - i.e. when agreement on such policies is required*'. The department said deep knowledge of such policies is not necessary, as Mr Sweeney and his team perform a '*brokering*' and diplomatic role in ensuring that collective cabinet government works effectively. As such, the Cabinet Office said '*...while the applicant will be aware of a wide range of government policy, this will often be of policies that are, or will be soon, announced*'.
10. The Cabinet Office said the moratorium on new policies in July followed by the change in Prime Minister meant the currency of his knowledge is less than it could be at other times.
11. The Cabinet Office said Mr Sweeney will have a deep understanding of how government operates and the potential areas of focus for the new administration. However, the department noted this was based on his experience as opposed to privileged access information. It noted this '*...information reasonably gathered during the course of a career and does not - in and of itself - represent a direct threat to the integrity of government*'.
12. The Cabinet Office said there is a risk that Mr Sweeney's seniority, role within government (and specific responsibility for ensuring that domestic government policy is collectively agreed upon), networks and access to information could be perceived to unfairly assist Brunswick and its clients in influencing government.
13. The Cabinet Office said it has no concerns about this appointment subject to the standard conditions.