

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

March 2023

BUSINESS APPOINTMENT APPLICATION: Lord Kamall, former Parliamentary Under Secretary of State at the Department for Digital, Culture, Media and Sport (DCMS) & former Parliamentary Under Secretary of State for Technology, Innovation and Life Sciences at the Department of Health and Social Care (DHSC). Paid appointment to join the Institute of Economic Affairs.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Ministers (the Rules) to join the Institute of Economic Affairs (IEA) as an Academic Fellow..
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer the IEA. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules
4. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, 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

5. The Committee¹ noted you attended various meetings with the IEA but they were in a personal capacity, not in your capacity as a minister. Both DHSC and DCMS confirmed you were not involved in policy or decisions of relevance to the IEA during your ministerial roles, nor do the departments have a relationship with the IEA. The Committee also noted you have some experience of working with think tanks prior to joining government. The risk that this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
6. IEA is a thinktank and therefore is interested in government policy. You will have had access to sensitive information. However you were only at DCMS for a short period of time (a matter of weeks) and it has now been 5 months and a change in administration(s) since you were in office. Both departments had no concerns regarding your access to information. The risks associated with your access to information are therefore limited.
7. As a former minister, there are inherent risks associated with your access to contacts. It is relevant that you stated your role will not have contact with government and your contract with IEA will explicitly state that your role will be in keeping with ACOBA's advice, which includes a lobbying ban.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Rules. While there are inherent risks associated with your access to sensitive information and contacts, the standard conditions below will sufficiently mitigate this case. These seek to prevent improper use of influence, contacts and information from your time in office; and are in keeping with the role as you describe it.
9. The Committee advises, under the government's Business Appointment Rules, that your appointment with the **Institute of Economic Affairs** be subject to the following conditions:
 - 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 ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of the Institute of Economic Affairs (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage the Institute of Economic Affairs (including parent companies, subsidiaries, partners and clients); and

¹ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Lord Pickles; Mike Weir; Richard Thomas and Lord Larry Whitty.

- for two years from your last day in ministerial office, you should not undertake any work with the Institute of Economic Affairs (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 its arm's length bodies.
10. 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.
 11. 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.
 12. 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.
 13. You must inform us as soon as you take up this role, or if it is announced that you will do so. You must also 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.
 14. 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.

The Rt Hon Lord Pickles

Annex - Material Information

The role

1. You said the IEA is an '*...educational charity and a think tank*'. Its website says the IEA is the UK's original free-market think-tank, founded in 1955 & has interest in government policy and direction. It also says '*our mission is to improve understanding of the fundamental institutions of a free society by analysing and expounding the role of markets in solving economic and social problems*'.
2. In your paid, part-time role as Academic Fellow, you described your role is to:
 - support the IEA's Academic & Research Director in furthering knowledge and understanding amongst academics and scholars (in universities, think tanks and elsewhere) of IEA's rich academic past and its current and future publications, academic standards, processes and goals.
 - assist the IEA's ambition to further extend the reach of its publications, educational and grant programmes with academics and scholars in the UK and internationally.
 - aid the Academic Research Director in extending the IEA network of academics and authors in the UK and internationally.
 - help review current and devise new educational programmes, publications, lectures and colloquia and other activities which will further enhance collaboration and understanding between the IEA and the Vinson Centre for the Public Understanding of Economics and Entrepreneurship at the University of Buckingham ("Vinson Centre")
3. You said part of your contract with the IEA contains the following clause: '*You acknowledge all duties under the terms of this contract shall be in accord with the House of Lords Code of Conduct, and advice from the Advisory Committee on Business Appointments (ACOBA) including the rules prohibiting paid parliamentary advice or services.*'
4. You stated prior to your ministerial role, from 2019 to 2021, you were the Academic & Research Director of the Institute of Economic Affairs.

Dealings in office

5. You advised the Committee you met with the IEA as a guest speaker at a dinner when you were Minister at DHSC. You said your speech was about challenges faced as a Health Minister, as well as attending a few speaker events and leaving drinks of former colleagues in a personal capacity. During your time at DHSC, you also said you were a guest speaker at a roundtable discussion on health services organised by Reform, another think-tank.
6. You said you did not have any involvement in policy, regulatory or commercial decisions that would have been specific to the company.

Departmental Assessment

7. DCMS & DHSC confirmed the details you provided and did not have concerns about the appointment.
8. DHSC confirmed you attended a variety of meetings with the IEA between November 2021 and June 2022. These were in a personal capacity rather than in your role as a Minister.
9. DCMS and DHSC confirmed they do not have a departmental relationship with the IEA.
10. The departments recommended the standard conditions.