



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

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### **BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Moazzam Malik CMG, former Director General, Africa, Foreign and Commonwealth Office (FCDO). An unpaid appointment to the Muslim Charities Forum.**

1. Mr Malik 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 unpaid role he wants to take up with the Muslim Charities Forum (MCF). 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 time in office, alongside the information and influence a former Crown servant may offer the Muslim Charities Forum.
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 Director General, Africa in the FCDO 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 King's Regulations and the Diplomatic Service Code

5. When considering this application, the Committee<sup>2</sup> took into account this role as Chair of Trustees is unpaid<sup>3</sup>. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of the Government by considering the real and perceived risks associated with former ministers joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. There is no overlap with Mr Malik's time in office and his proposed role as confirmed by the FCDO which has stated it has no concerns with him taking up this appointment.
7. Mr Malik noted he may have some contact with the government, though said the organisation does not lobby for policy changes to benefit MCF. The Committee considered the contact described in his application was in keeping with the lobbying ban that applies in all cases.

#### The Committee's Advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. Whilst there are inherent risks associated with Mr Malik's access to sensitive information and contacts, the standard conditions below, preventing him from drawing on his privileged information and using his contacts to the unfair advantage of his new employer, will sufficiently mitigate in this case.
9. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with the **Muslim Charities Forum** 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 Muslim Charities Forum (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage the

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

<sup>3</sup>By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

Muslim Charities Forum (including parent companies, subsidiaries, partners and clients);

- for two years from his last day in Crown service he should not provide advice to the Muslim Charities Forum 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.
10. The advice and the conditions under the government's Business Appointment Rules relate to his 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/House of Lords Commissioners for Standards. It is an individual's personal responsibility to understand any other rules and regulations they 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 Ministerial Code/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.*"
  13. Mr Malik must inform us as soon as he takes up this work 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 Mr Malik has complied with the Civil Service code. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.
  14. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website

## Annex - Material information

### The role

1. Mr Malik seeks to join MCF as Chair of Trustees - an unpaid role. Mr Malik applied for this position through fair and open competition. He described his role as providing *'leadership and direction to the Board of Trustees'* that *'enables the Board to fulfil their responsibilities for the overall governance and strategic direction of the organisation. The Chair role'*
  - a. *Ensures that the organisation pursues its objects as defined in relevant legislation/regulations.*
  - b. *Works to support the CEO and employees, helping them achieve the aims of the organisation; and to optimise the relationship between the Board of Trustees and the staff.*
  - c. *Facilitates the Board of Trustees in stimulating excellent, well-rounded and carefully considered strategic decision-making.'*
2. Mr Malik described MCF as *'the network of British Muslim Charities working for social good in the UK and abroad. MCF's mission is to enable British Muslim charities to become more effective and reach their full potential.'* Mr Malik added that *'Given the nature of MCF's mission, the Chair may be asked from time to time to help represent the interests of the sector with relevant Government departments and the Charities Commission. The Chair is not expected to have any contact with FCDO at either ministerial or official level.'*
3. MCF's website describes its purpose as providing *'a voice and support for Muslim INGOs based in the UK'*. The website further states that MCF works *'to help organisations, trustees and staff of British Muslim INGOs to access the skills, tools, information and networks they need to serve humanity and adapt to an ever-changing environment'*. MCF works with over 300 charities and community groups in their network.
4. Mr Malik wanted to draw the committee's attention to the fact MCF does not receive any funding from the UK government and has no plans for that relationship to change. Mr Malik stated that MCF does have occasional contact with the government - often at the invitation of the departments concerned, and usually with other NGOs (this could involve the FCDO, Home Office, Cabinet Office, and DLUHC for example). He said as Chair of the charity, he may wish to inform departments about the work of the Muslim charities sector in the UK and abroad and the challenges that they face.

### Dealings in office

5. Mr Malik stated while he did not have any contact with MCF whilst in office at the FCDO, he did have some prior contact in a personal capacity, when MCF initially asked if he might consider this role. Mr Malik clarified that the Permanent Secretary (of the Department of International Development where he was at the time) was aware of this and supportive though this contact was over 2 years ago.

6. Mr Malik stated he had no involvement in any policy or commercial/contractual decisions regarding the organisation. He also had no commercially sensitive information on MCF or their competitors.
  - a. The FCDO confirmed the details provided by Mr Malik in his application.
7. The FCDO has no concerns and recommended the standard conditions be applied.