



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Samantha Cohen, former Director of Office and Interim Chief of Staff at No.10. Paid appointment with Commonwealth Enterprise and Investment Council.

1. Ms Cohen 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 her proposal to take up a role with Commonwealth Enterprise and Investment Council (CWEIC) as Commonwealth Envoy for Australia and the Pacific. The material information taken into consideration by the Committee is set out in the below 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 Ms Cohen's time in office, alongside the information and influence she may offer Commonwealth Enterprise and Investment Council as a former Crown servant.
3. The Rules set out that Crown servants must abide by the Committee's advice¹. 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

4. The Committee noted Ms Cohen did meet with CWEIC at an official Commonwealth reception at Downing Street in advance of the Prime Minister attending CHOGM in Rwanda but she did not make any decisions directly affecting CWEIC. The Committee also noted Ms Cohen is rejoining the same organisation she worked for before joining government and considered there is low risk it might be perceived this appointment is a reward for decisions made or actions taken from her time in office.

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

5. Given Ms Cohen's former role as Director of Office and Interim Chief of Staff at No.10, she will have had access to a wide range of sensitive information and insight whilst in office. The Committee² recognised any organisation may be considered to gain from her insight from the centre of government that is unavailable to its competitors. However, the Committee considered there are factors that help to mitigate the risks associated with this access to information:
 - this is a general risk associated with the breadth of her role, there is nothing specifically overlapping with this proposed work; ;
 - the organisation works closely with Commonwealth governments to facilitate trade and investment between these nations, a UK government priority and any potential to offer unfair advantage would be limited;
 - Ms Cohen was in government for 5 months, including during the moratorium on policy decisions during the leadership campaign - which reduces the breadth of information she had access to;
 - she had no responsibility for developing or making decisions on policy, regulation or funding
 - The various changes to the administration as a result of 2 newly appointed Prime Ministers since she left office means the currency of information is likely to be degraded; and
6. As the former senior official at No.10 there are risks associated with her influence and network of contacts within government - which could unfairly assist CWEIC. However, her role does not involve any contact with the UK government.

The Committee's advice

7. The Committee determined the risks above can be appropriately mitigated by the conditions below. Further, the Committee wishes to make it explicit that it would be inappropriate for Ms Cohen to make contact with the government on behalf of CWEIC. However, the Committee notes this is in keeping with her role as described.
8. The Committee advises, under the government's Business Appointment Rules, that Ms Cohen's role with the Commonwealth Enterprise and Investment Council should be subject to the below conditions:
 - She should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service;
 - for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government on behalf of Commonwealth Enterprise and Investment Council (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government and/or ministerial contacts to influence policy,

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

secure business/funding or otherwise unfairly advantage the Commonwealth Enterprise and Investment Council (including parent companies, subsidiaries, partners and clients); and

- for two years from her last day in Crown service, she should not provide advice to Commonwealth Enterprise and Investment Council (including parent companies, subsidiaries, partners and clients) 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.
9. 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 an applicant's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
 10. 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.
 11. 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."*
 12. You must inform us as soon as Ms Cohen takes up employment with this organisation, or if it is announced that Ms Cohen 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 Ms Cohen has complied with the Rules.
 13. Please also inform us if Ms Cohen proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her 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.

Yours sincerely,

Annex - Material information

1. Ms Cohen intends to take up a role with Commonwealth Enterprise and Investment Council as a Commonwealth Envoy for Australia and the Pacific. The website states CWEIC is a commercial, not-for-profit membership organisation with an official mandate from the Commonwealth Heads of Government to facilitate trade and investment throughout the 56 Commonwealth member nations. The role of CWEIC is to use the '*...convening power and trusted network of the Commonwealth, which is led by His Majesty The King, to drive trade and investment*'.
2. Ms Cohen said she will represent the organisation in Australia and the Pacific region. This will involve travel to Australia early next year and Samoa where the next Commonwealth Heads of Government Meeting (CHOGM) will be held in 2024. She said her job will be to engage the Government of Samoa and prepare for the business events that will take place alongside CHOGM. In addition, she said she will be working with existing CWEIC clients, the Governments of Victoria and Queensland to look for trade opportunities across the Commonwealth.
3. She will not have contact with UK government in this role.

Dealings in office

4. Ms Cohen told the Committee she met with at an official Commonwealth reception at Downing Street in advance of the Prime Minister attending CHOGM in Rwanda. However she confirmed she:
 - a. did not have any involvement in any relevant policy development or decisions that would have affected CWEIC
 - b. had no commercial or contractual responsibilities relating to CWEIC; and
 - c. did not meet with competitors of the CWEIC nor have access to sensitive information regarding competitors.

Department Assessment

5. The Cabinet Office confirmed the details Ms Cohen provided and said it has no relationship with CWEIC.
6. The Cabinet Office said Ms Cohen was in a very senior position at No. 10 (Interim Chief of Staff for 2 months and Director of PM's Office for 5 months) but said the focus of her role with CWEIC is with foreign countries and not directly relevant to internal UK dynamics.
7. The Cabinet Office said the risk associated with her access to information is limited given the Prime Minister has changed since she was in office.

8. Previously the Cabinet Office has said Ms Cohen is unlikely to be able to draw upon privileged information gained whilst in role, due to the nature of her function within No.10 - as she had little involvement in making policy decisions or being involved in long-term policy announcements and development. For the majority of the time that Ms Cohen was Chief of Staff, the leadership campaign was ongoing and HMG were not developing new policy, following which the start of the new administration means policy is changing, and the currency of any information is likely to be degraded.
9. It had no concerns with this appointment and recommended the standard conditions.