



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Ruth Oates Porter, former Deputy Chief of Staff at No.10. A paid appointment with FGS Global.

1. Mrs Porter 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 she wishes to take up as a Managing Director of FGS Global (FGS). 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 Mrs Porter made during her time in office, alongside the information and influence she may offer FGS. The Committee also considered the information provided by the department, Mrs Porter and a statement from FGS stating it will ensure the Committee's advice is adhered to.

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 is not an endorsement of this appointment in any other respect.

4. There is provision in the government's Rules to vary the length of the conditions applied¹. The Committee applies conditions for two years unless there are exceptional reasons to do otherwise. The Committee determined there were exceptional circumstances in the specifics of Mrs Porter's applications which means time limited conditions have been applied for 6 months - a proportionate measure to mitigate potential risks under the Rules given that she spent a total of 47 days in government office in Autumn 2022.

5. The Rules² 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

¹ <https://www.gov.uk/government/publications/business-appointment-rules-for-crown-servants/business-appointment-rules-for-crown-servants>

² 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.

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

6. Mrs Porter did not meet with nor make any decisions specifically impacting FGS. Given she is returning to her career, and the same role she held directly, before entering government the Committee³ considered the risk that this could reasonably be seen as a reward for decisions or actions taken in office is low.

7. As the former Deputy Chief of Staff at No.10, due to the breadth of her work, Mrs Porter may have gained general insight and had access to information across a broad spectrum of issues. The Cabinet Office advised there are specific circumstances in this case which significantly reduce the risks associated with her access to information. Mrs Porter was in office for around 7 weeks (or 47 calendar days) during an administration which in the event was short-term. The focus of that administration was predominantly the 'mini budget', much of which has been significantly altered, with the new administration taking a different policy approach. As a result the Cabinet Office considered it is 'highly likely' the currency of information Mrs Porter had access to is degraded and the risk any matters she advises future clients on will overlap with her work in office is limited.

8. There are risks associated with Mrs Porter's potential influence that might be seen to be used to assist FGS unfairly. It is also relevant that Mrs Porter was connected to government affairs before joining government, having had a career in government relations - therefore her experience and contacts were not gained solely during her time in public office.

9. While Mrs Porter has confirmed she would not lobby the government, there could be reasonable concern that she could be perceived as lobbying considering the company's registration on the Register of Consultant Lobbyists. The Committee determined it is significant that FGS has confirmed it will put arrangements and procedures in place to ensure that the Committee's advice is adhered to at all times for as long as required.

10. As in any similar application, there are risks related to FGS' unknown clients - should Mrs Porter advise clients she had contact with during government, or if she was to advise on matters she had involvement in whilst in post. As above, the very short time she served in government office limits this risk.

The Committee's advice

11. Given the potential lobbying arm to FGS' government affairs work, alongside the lobbying ban Mrs Porter is subject to, and the confirmation from FGS it will put procedures in place to adhere to this, the Committee's advice is that she should have no direct engagement with the government on behalf of FGS or its clients.

³ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; The Rt Hon Lord Pickles; Isabel Doverty; Mike Weir. Richard Thomas and Dr Susan Liautaud were unavailable.

Any direct engagement could raise a reasonable concern that lobbying activity may take place.

12. As the Committee cannot know which clients Mrs Porter may work with in the future, the Committee needs to mitigate the risk associated with that. Whilst this will be limited, the Committee has imposed a condition which makes it clear that Mrs Porter should not advise on work that arises where it relates to matters she had a material role in developing or determining during her time as Deputy Chief of Staff at No.10.

13. The risks associated with her access to information and influence will be mitigated by banning Mrs Porter from drawing on privileged information from her time in office and from working on matters connected to bids and contracts with the UK government.

The length of conditions applied

14. The Committee considers the circumstances of this appointment highly unusual given Mrs Porter's tenure was limited to 47 days; the limited exposure she therefore had to government policy and decision making; and the policy changes that occurred before and after she was in service. The Cabinet Office, as owner of the government's Rules, described it as disproportionate to the risks in this case to apply conditions for the two years that the Rules apply. The Committee agreed with the Cabinet Office and determined there were exceptional circumstances in the specifics of Mrs Porter's application. The Committee did not consider that after 6 months there could be reasonable suspicion that Mrs Porter would be gaining clients, or unfairly influencing the government as a result of the 47 days she spent in No.10 in the autumn of 2022. The Committee determined that applying time limited conditions for six months (significantly longer than she was in post) would be proportionate to the risks under the Rules.

15. The Committee would also draw to Mrs Porter's attention that she has an ongoing duty of confidentiality and the condition below which prevents her from drawing on privileged information is not time limited.

16. The Committee's advice in accordance with the government's Business Appointment Rules is that this role with FGS Global 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 six months from her last day in Crown service, she should not become personally involved in lobbying the UK government or any of its Arm's Length Bodies on behalf of FGS Global (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government to influence policy, secure business/funding or otherwise unfairly advantage FGS Global (including parent companies, subsidiaries, partners and clients);

- for six months from her last day in Crown service she should not have any engagement on behalf of FGS Global (including parent companies, subsidiaries, partners and clients) with the UK government and its arm's length bodies;
- for six months from her last day in Crown service she should not provide advice to FGS Global 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;
- for six months from her last day in Crown service she should not have any engagement on behalf of FGS Global and its other businesses (including parent companies, subsidiaries, partners and clients) with the UK government and its arm's length bodies;
- for six months from her last day in Crown service, she should not advise FGS Global (including parent companies, subsidiaries, partners and clients) on work with regard to any policy she had a material role in developing or determining or where she had a relationship with the company or organisation during her time as Deputy Chief of Staff at No. 10.

17. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's 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 they may be subject to in parallel with this Committee's advice.

18. 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.

19. 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.*"

20. Mrs Porter must inform us as soon as she takes up this work or if it is announced that she will do so. Similarly, she must inform us if she proposes to extend or otherwise change her role with the organisation as depending on the circumstances, it might be necessary for her to seek fresh advice.

21. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Annex - Material information

The role

1. Mrs Porter said she wishes to take up a paid full-time role as a managing director as FGS. Mrs Porter said FGS is a strategic communications firm. Its website states it offers services in:
 - Corporate reputation and leadership strategies;
 - Crisis & Issues management;
 - Government affairs, policy and advocacy
 - Transaction and financial communications
 - Transformation and change
2. FGS is a registered Consultant Lobbyists
3. Mrs Porter said this would not be a new role, it would be returning to the role she held prior to entering government. The role would entail providing advice on strategic communications to companies from a range of sectors in different markets around the world. Mrs Porter said she does expect her role to involve contact with government but it '*...would be minimal and mostly at a general level to understand government priorities*'.
4. Mrs Porter informed the Committee she is returning to her former career and her specific role with FGS.
5. FGS contacted the Committee wishing to provide reassurances to the Committee that Mrs Porter can be separated from any lobbying of government (whether direct or indirect) at FGS. FGS provided the following statement:

'The purpose of this note is to confirm to you and through you to ACOBA members, that FGS Global will ensure that following the issuance of advice to Ruth Porter, arrangements and procedures will be in place to ensure that said advice is adhered to at all times for so long as required. FGS Global has previously employed former Crown Servants and has always ensured that any restrictions in place concerning their interactions and contact with Government are observed in full, and this would continue to be the case with respect to Ruth Porter.'

Dealings in office

6. Mrs Porter said she neither had any dealings with, nor met with nor made any decisions specific to the company while in office. Mrs Porter said she did not meet with competitors nor have access to information that would provide an unfair advantage.

Department Assessment

7. The Cabinet Office confirmed the details provided by Mrs Porter.
8. The Cabinet Office said given Mrs Porter's role, she would have had access to a wide range of government information. It said the wholesale change in government personnel and priorities degraded the currency of any information she may have had access to.
9. The Cabinet Office said the risks are further lessened by the fact that Mrs Porter is seeking to return to her previous role, after a break in employment for a short time. Further, Mrs Porter was only in office for less than two months and is not seeking to start work until January which will be at least two and a half months after leaving her government role.
10. The Cabinet Office, as owner of the Rules asked the Committee to consider applying the time-limited conditions for six months (or '*over twice the length of time the applicant was in government service*'). It stated '*The seniority of the applicant is significant, but it is also highly relevant that she was in post for only a short period of time, subsequent to which there was a change in government leadership, senior personnel and policy directions. The risk of this prospective appointment is further lessened by the fact that she is seeking to return to her previous role, after a break in employment of c.2.5 months (a period longer than her time as a Special Adviser in government). ... We would argue that the caveat in the Rules that the length of conditions "...may be reduced and/or modified by the Advisory Committee if they consider this to be justified by the particular circumstances of an individual application" is highly applicable to this situation given the extraordinarily short tenure (c.seven weeks). It is unlikely that the applicant will have been able to form sufficiently strong new relationships in such a short period of time to give her a material advantage upon return to her former role. This is made more relevant by the narrow focus of the administration she served in - e.g. primarily the 'mini-budget' and subsequent reaction to it. It is also highly relevant that - following the departure of the PM and the applicant - there was a very substantial change in government leadership, senior personnel and policy direction. The new administration is also focussed on different priorities to the one the applicant served in, and it is not necessarily clear that her time in government will afford her greater access to the current members of the administration*'.
11. The Cabinet Office said the privileged information ban should operate for the length of time Mrs Porter is subject to the Rules (two years) - given its fundamental basis in underpinning the basics of good governance during interchange between the public and private sectors. It recommended that the standard time limited conditions, including the ban on lobbying government and working on bids and contracts with the UK government apply for 6 months.