



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

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**BUSINESS APPOINTMENT APPLICATION: Michael Driver CB, former Chief Financial Officer and Acting Permanent Secretary at the Ministry of Justice, and Senior Responsible Owner, Borders Programme at the Department for Health and Social Care. Paid appointment with Newton Europe.**

1. Mr Driver 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 Newton Europe (Newton) as a Senior Advisor.
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 Mr Driver's time in office, alongside the information and influence a former Crown servant may offer Newton. 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 Rules 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**

5. When considering this application, the Committee<sup>1</sup> noted both of Mr Driver's former departments, the Department for Health and Social Care (DHSC) and the Ministry of Justice (MOJ), previously had a contractual relationship with

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<sup>1</sup> This application for advice was considered by Jonathan Baume; Sarah de Gay; Isabel Doverly; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and Dr Susan Liataud. Andrew Cumpsty was unavailable.

Newton. However, the departments confirmed the work was before Mr Driver had joined either department. DHSC and the MOJ confirmed Mr Driver did not meet with Newton during his time in service and he did not make any decisions directly affecting Newton. Therefore, the Committee considered it unlikely this position could be perceived as a reward for decisions made or actions taken from his time in office.

6. This appointment has a general overlap with Mr Driver's time in office in respect of his knowledge of government from a commercial and financial perspective. There are a number of mitigating factors that help to reduce the risks associated with his access to information and insight that may be seen to offer Newton an unfair advantage:
  - He is prevented from drawing on privileged information from his time in office and has an ongoing duty of confidentiality;
  - The MOJ and the DHSC have no concerns in respect of his access to information;
  - Almost 2 years have passed since he was in either role with access to information - significantly reducing the likelihood that any privileged information he had access to is sufficiently up-to-date or particularly useful.
7. Newton's clients are unknown and there is a risk Mr Driver may be asked to advise clients who were affected by matters that relate to areas he had direct involvement in, or in respect of clients he had a relationship with whilst in Crown service.
8. Additionally, there are inherent risks a former senior official may have a network and influence that might assist Newton unfairly, particularly around future contracts with government.

#### The Committee's advice

9. The Committee determined the risks identified in this application can be appropriately mitigated by the standard conditions, as outlined below. These make it clear Mr Driver cannot make use of his access to information or influence gained from his time in Crown service to the unfair advantage of Newton or its clients.
10. The Committee advises, under the Government's Business Appointment Rules, that Sir John's role with **Newton Europe** should 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 on behalf of Newton Europe (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 Newton Europe (including parent companies, subsidiaries, partners and clients);

- for two years from his last day in Crown service, he should not provide advice to Newton Europe (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; and
  - for two years since his last day in Crown service, he should not advise Newton Europe (including parent companies, subsidiaries, partners and clients) on work with regard to any policy he had specific involvement in or responsibility for as Senior Responsible Owner, Borders Programme at the Department for Health and Social Care, Acting Permanent Secretary or Chief Financial Officer at the Ministry of Justice, or where he had a relationship with the company or organisation during his time in these roles.
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."*
13. You must inform us as soon as Mr Driver takes up employment with this organisation, or if it is announced that he will do so. You must also inform us if Mr Driver 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.
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,

Isabella Wynn  
**Committee Secretariat**

## **Annex A - Material information**

### The role

1. Mr Driver describes the organisation as a UK-based consultancy that specialises in operational improvement. Its website states 'Newton is a UK-based specialist in operational improvement, fuelled by a fundamental benefit that even the best organisations can do better'. They work across public and private sectors, including central government to defence, retail, services, adult social care, aerospace, healthcare and manufacturing.
2. Mr Driver said the purpose of the role is to:
  - Support the development of Newton's service offering, positioning and marketing.
  - Assist Newton to set and steer its sector strategy, business plans and account strategy.
3. He said his role will not include any contact with government.

### Dealings in office

4. Mr Driver advised the Committee he did not meet with Newton whilst in office. He said he did not make any decisions specifically affecting the company and did not have access to information that could provide an unfair advantage.

### Department Assessment

5. Both the MOJ and DHSC confirmed the details Mr Driver provided.
6. Both departments confirmed they had contractual relationships with Newton but stated these took place before Mr Driver joined the departments and he had no involvement in any decisions specifically affecting Newton.
7. Both MOJ and DHSC said they have no concerns about this appointment and recommended the standard conditions.