



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Michael Driver CB, former Chief Financial Officer, Head of the Government Finance Function and interim Permanent Secretary at the Ministry of Justice (MOJ) and former acting Permanent Secretary at the MOJ. An unpaid appointment with St. John of Jerusalem Eye Hospital.

1. Mr Driver sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointment Rules for former Crown Servants (the Rules) on an unpaid role he wishes to take up with St. John of Jerusalem Eye Hospital.
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 St. John of Jerusalem Eye Hospital. 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 Rules¹ 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

¹ 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 Committee² took into account this appointment as Independent Member of the Audit Committee is unpaid³. 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. The Committee took into account that Mr Driver did not meet with St. John of Jerusalem Eye Hospital while in service. Mr Driver's former departments confirmed he had no direct involvement or influence in any decisions specifically affecting St. John of Jerusalem Eye Hospital. Therefore, the Committee considered the risk that he could be seen to have been offered this unpaid role as a reward for decisions made, or actions taken in office, was low.

The Committee's advice

7. 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 Driver'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.
8. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **St. John of Jerusalem Eye Hospital** 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 St. John of Jerusalem Eye Hospital (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 St. John of Jerusalem Eye Hospital (including parent companies, subsidiaries, partners and clients);

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

³By 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.

- for two years from his last day in Crown service he should not provide advice to St. John of Jerusalem Eye Hospital 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.
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 they 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 Ministerial Code/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. Mr Driver must inform us as soon as he takes up this work or if it is announced that he will do so. 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.
 13. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Mr Driver said St. John of Jerusalem Eye Hospital is a charitable provider of eye care on the West Bank, Gaza and East Jerusalem.
2. Mr Driver said he wishes to take up an unpaid, part-time role as Independent Member of the Audit Committee. Mr Driver said the purpose of the role is to support and challenge the organisation as active independent member of the audit committee. He will have active involvement with the annual report and accounts, risk management and finance systems and controls. He said his role will not involve any contact with government.

Dealings in office

3. Mr Driver stated he did not meet with St. John of Jerusalem Eye Hospital while in office. He stated he had no involvement in any commercial or contractual decisions regarding the organisation. He also had no commercially sensitive information on St. John of Jerusalem Eye Hospital or their competitors.

Department Assessment

4. The Ministry of Justice and the Department for Health and Social Care confirmed the details provided by Mr Driver in his application. The departments did not consider you had any access to information that could provide an unfair advantage. The departments confirmed they had no concerns and recommended the standard conditions.

