



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

Room G/08, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://www.gov.uk/acoba>

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### **BUSINESS APPOINTMENT APPLICATION: Lord Frost of Allenton CMG, former Minister Of State in the Cabinet Office. Appointment with the Free Speech Union.**

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up an appointment as a Member of the Advisory Council for the Free Speech Union (FSU). The material information taken into consideration by the Committee is set out in the annex below.
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 minister may offer the FSU.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.
4. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to your role as a member of the House of Lords.

#### The Committee's consideration

5. When considering this application, the Committee<sup>1</sup> took into account this role as Member of the Advisory Council is unpaid<sup>2</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 using privileged access to contacts and information to the benefit of themselves or those they represent; and 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 you did not meet with FSU while in office and noted you made no policy or funding decisions specific to FSU. Given the unpaid nature of this role the Committee considered the risk that you could be seen to have been offered this role as a reward for decisions made, or actions taken in office, was low.

7. The Committee noted that as the former Minister Of State in the Cabinet Office there is an inherent risk you could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit the FSU. However, the unpaid nature of this appointment limits the real and perceived risk of you making improper use of information you had access to while in office for your personal benefit.

#### The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing you from drawing on your privileged information and using your contacts to the unfair advantage of their new employer, will sufficiently mitigate the risks in this case. The Committee would draw your attention to the below lobbying and contracts and bids ban that prevent you using the contacts you made while in government to the unfair advantage of the FSU.

9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Free Speech Union** be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arms' length bodies on behalf of the Free Speech Union (including parent

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

<sup>2</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.

companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage the Free Speech Union (including parent companies, subsidiaries, partners and clients); and

- for two years from your last day in ministerial office you should not undertake any work with the Free Speech Union (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 or its arms' length bodies.

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.*" This Rule is separate and not a replacement for the Rules in the House.

12. I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you 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 you had complied with the Rules and the Ministerial Code.

13. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you 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.

Lord Frost of Allenton CMG

## **Annex - Material information**

## The role

1. You said the FSU's role is to protect the interests of those who are penalised for exercising their right to free speech, and to stand up for free speech as a principle more broadly. The website states the FSU is a non-partisan, mass-membership public interest body that stands up for the speech rights of its members. The FSU has a research arm that publishes briefings on where free speech needs to be better protected, where existing protections may be in jeopardy, and what the government should do to strengthen and safeguard those protections.
2. You informed the Committee that since being launched in February 2020 it has defended over 1,000 people who have been '*...publicly shamed, no-platformed, placed under investigation, fired or expelled as a result of exercising their lawful right to free speech, successfully so in approximately 75% of cases*'. You said being a member of the FSU's Advisory Council is not a formal or legal position and involves no hard and fast commitment on your part or any legal or financial liability. Rather, it is an honorary position, a way for you to express your support for the FSU and its work, and to give advice from time to time to the General Secretary and the team.
3. You said you expect to be speaking and campaigning on free speech issues generally as part of his position in the House of Lords, for example on the Online Harms Bill. This may involve contact with ministers. However, you clarified this will not be as a representative of the FSU but your membership of its Advisory Council would be an interest to be declared, for example in parliamentary proceedings.

## Dealings in office

4. You confirmed you had had no contact with FSU when you were Minister Of State in the Cabinet Office and said you:
  - did not have any involvement in any relevant policy development or decisions that would have affected the FSU;
  - Do not have access to sensitive information that would provide an unfair advantage;
  - had no commercial or contractual responsibilities relating to the FSU; and
  - did not meet with competitors of the FSU nor have access to sensitive information regarding competitors.

## Department Assessment

5. The department confirmed the details you provided and confirmed it has no concerns regarding this application.

