



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Robert Buckland QC MP, former Secretary of State of Wales and former Lord Chancellor and Secretary of State for Justice. Paid appointment with Payne Hicks Beach LLP.

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 a paid role as Senior Council and Head of Policy at Payne Hicks Beach LLP.
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 your time in office, alongside the information and influence you may offer Payne Hicks Beach. 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 Committee considered whether this work was unsuitable given your former role as Lord Chancellor and Secretary of State for Justice and the nature of Payne Hicks Beach's work - which has some potential overlap with your time in office. The Committee also considered the information provided by the departments. 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.
5. 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.

The Committee's consideration of the risk presented

6. The Committee noted there is a relationship between the Ministry of Justice's arm's length bodies and Payne Hicks Beach. However, you did not have any contact with Payne Hicks Beach as a minister at either the MOJ or the Welsh Office whilst in office and did not make any decisions that would have specifically affected Payne Hicks Beach. The risk that this appointment could be reasonably considered as a reward for actions taken in office is therefore low.

The Committee¹ noted as the former Lord Chancellor and Secretary of State for Justice there is an inherent risk you could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit any organisation operating in the legal and justice sector. There are also inherent risks associated with your network and potential influence within government as a result of your time in ministerial office. There are several mitigating factors in respect of the risks associated with your access to information and influence:

- Both the MOJ and Welsh Office consider the risk associated with your access to information is low;
- 17 months has passed since you last had access to information or involvement in the work of the MOJ;
- You are returning to your former career before entering government and therefore have relevant experience gained before joining government; and
- you are prevented from using privileged information by a number of formal restraints, as well as the Rules. These include: the Bar Code of Conduct as well as legal professional privilege and client confidentiality, alongside the rules and principles which apply to all former ministers.

7. More generally the Committee considered that given your role and profile as the former Secretary of State for Wales and Lord Chancellor and Secretary of State for Justice, there is a risk it could be perceived your influence might assist Payne Hicks Beach.

The Committee's advice

8. The Committee recognised that your role will be limited, within the confines of your personal and professional responsibilities to matters where there is no conflict of interest. There remain potential unknown risks associated with your time in office, specifically, should a client be an individual, company or organisation you had a direct engagement with whilst in office; or where you had a material role in considering a related legal matter in office. It is difficult to anticipate in advance specific conflicts which may arise, therefore, the Committee considered it would be appropriate to impose a condition which makes it clear your work should be limited to providing advice on matters that do not conflict with your time as Lord Chancellor and Secretary of State for Justice as well as Secretary of State of Wales. This is in keeping with the formal restraints placed upon you, including the Bar Code of Conduct.

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

9. While it is not your intention to lobby the Government, the Committee would draw your attention to the restrictions below which prevent you making use of contacts to unfairly advantage your new employer in relation to policy, funding or contractual matters related to the UK Government. Further, the restriction below on providing advice on the terms of a bid or contract relating directly to the work of the Government prevents you from providing an unfair advantage to Payne Hicks Beach or its clients in respect of future work with the UK Government.

10. In accordance with the government's Business Appointment Rules, the Committee advises this role with **Payne Hicks Beach LLP** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying, or litigating against the government or any of its Arm's Length Bodies on behalf of Payne Hicks Beach LLP (including clients, parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit Payne Hicks Beach LLP (including clients, parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to Payne Hicks Beach LLP (including clients, parent companies, subsidiaries and partners) 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 any of its Arm's Length Bodies; and
- for two years from his last day in ministerial office, his role with Payne Hicks Beach LLP should be limited to providing advice on matters that do not conflict with his time as Lord Chancellor and Secretary of State for Justice and Secretary of State of Wales. This includes not advising Payne Hicks Beach LLP on cases with which he was personally involved in.

11. 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.

12. 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.

13. 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.”*

14. I would be grateful if you would inform us as soon as you take up this work or if it is announced that you will do so. Similarly, I would be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

15. Once this 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.

The Rt Hon Lord Pickles

Annex

The role

1. You wish to take up a paid part time role as a Senior Council and Head of Policy of Payne Hicks Beach LLP. You said Payne Hicks Beach is a solicitors firm. The website states it is a specialist legal services tailored for private and commercial clients.

2. You said you would work with the firm to:
 - develop their reputation and reach;
 - organising and hosting external and internal events and training;
 - helping the development of dispute resolution, reputation
 - working as a fee earning team
 - member on appropriate cases;
 - giving general policy advice to the firm on the wider political context

3. You explained this work would not involve any government department or the need to approach or contact any minister or official.

Dealings in office

4. You stated: you did not have any official dealings with Payne Hicks Beach while you were in office and had no involvement in policy or contractual decisions whilst in office that would have specifically impacted Payne Hicks Beach. You also confirmed you have no access to sensitive information about competitors of Payne Hicks Beach.

Department Assessment

5. The MOJ and the Welsh Office were consulted on this appointment and confirmed the details you provided.

6. The MOJ said Payne Hicks Beach has provided services to the Legal Aid Agency and Office of the Public Guardian (OPG). MOJ confirmed you had no involvement in this, explaining there is a dedicated accounting officer for each agency and the separation of duties would not give rise to a conflict.

7. The Ministry of Justice stated as Secretary of State and Lord Chancellor you would have met with other solicitor firms.

8. Neither the MOJ or Welsh Office had no concerns with this appointment.