



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

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

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

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 Member of the Council of JUSTICE (Justice). 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 Justice.

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.

The Committee's advice

4. When considering this application, the Committee¹ took into account this role as Member of the Council of Justice is unpaid². Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the

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

² 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.

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.

5. As above the Committee recognised that the risks in this unpaid appointment are limited. There is no overlap with your most recent time in office and your proposed role and neither the MOJ (who advised on this role previously) nor the Welsh Office has any concerns with you taking up this appointment. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. While there are inherent risks associated with your access to sensitive information and contacts, the standard conditions below will sufficiently mitigate this case.

6. Further, as the former Secretary of State for Justice, a member of Cabinet, you are subject to the standard three month waiting period.

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

- a waiting period of three months from your last day in ministerial office;
- 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 JUSTICE (including parent 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 JUSTICE (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 JUSTICE (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.

8. The advice and the conditions under the government's Business Appointment Rules relate to your previous roles 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

Annex - Material information

The role

1. You said Justice is one of the leading legal research and development organisations in England and Wales. You said Justice is the leading legal research NGO in England and Wales and focuses its activity on access to Justice. It produces regular reports on legal issues and publishes research to help inform the debate but does not lobby politicians or run political campaigns. You also confirmed Justice does publish comments and observations on legislation that are circulated to MPs and Peers.

2. The website states it works for a fair, accessible, and equal justice system. It says its work aims at '*...making practical, realistic, and timely changes, addressing*

some of the most urgent issues facing the United Kingdom's legal framework'. Further, it uses its voice to influence and improve policies and practice, '...while not being afraid to scrutinise and challenge developments in the justice system that threaten the country's adherence to human rights and the rule of law'.

3. You said you will take up a paid, part-time role as a Member of the Council of Justice. The website states the members of the Council oversee Justice's work and meets twice a year. The Council includes prominent members of the legal profession and academic world who are appointed at JUSTICE's Annual General Meeting. You confirmed your role will not involve contact with government.

4. You are returning to the same role you held with Justice before rejoining the government in July 2022 for just over three months.

Dealings in office

5. You confirmed you attended their 65th anniversary dinner on 12 October 2022.. You confirmed you had no other contact with them other than this.

6. You also informed the Committee you did not meet with competitors of the Justice and do not have access to sensitive information relevant to Justice.

Department Assessment

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