



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt. Hon. Sir Michael Ellis KBE KC MP, former Attorney General; Minister for the Cabinet Office and Paymaster General at the Cabinet Office. Paid application to join CANDEY Ltd.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) on an appointment you want to take up with CANDEY Ltd (Candey).
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 Candey. The material information taken into consideration by the Committee is set out in the annex.
3. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions you made during your time in office, alongside the information and influence you may offer Candey. The Committee considered whether this appointment was unsuitable given your former role as Attorney General and you will be working for a legal firm.
4. The Committee must also consider the information provided by your former departments about your specific dealings with this employer and the sector. 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. The Committee's advice is not an endorsement of the appointment.
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 risks presented

6. Candey is a law firm with offices in London and New York. Its website states that it advises individuals and companies of all sizes in areas including commercial litigation, international arbitration, international and cross-border disputes, regulatory and financial crime. You did not meet or otherwise interact with Candey during your time in ministerial office. Further, you and your former departments confirmed you did not make any policy or contractual decisions specific to Candey while in office. It is also significant that you are returning to private legal practice. The Committee therefore considered that the risk that you were offered the role for decisions made or actions taken in office is low.

7. As the former Attorney General and a member of the Cabinet, you would have had significant access to legally privileged material and central government information. The Committee¹ recognised this information could likely offer an unfair advantage to any organisation where this information was relevant to its business. There are several mitigating factors raised by you and your former departments in relation to your access to information which limits the likely unfair advantage it could offer Candey:
 - You are prevented from using sensitive information by a number of formal restraints, as well as the Rules. These include: the constitutional Law Officers' Convention (which prohibits disclosure of one's previous advisory activities and the content of any advice, without the express permission of the serving Attorney General), the Bar Standards Board Code of Ethics, legal professional privilege and client confidentiality, and the rules and principles which apply to all former ministers.
 - You have a professional and legal obligation not to work on matters where a conflict is present.
 - Your role in supervising the Serious Fraud Office (SFO) and the Crown Prosecution Service (CPS) did not involve specific regulatory, policy or financial oversight functions.
 - 12 months have passed since your last day in office and your access to information. There is a lower risk that you can offer an unfair advantage.
 - Your former departments are not aware of any information that would specifically offer an unfair advantage and consider the risks can be managed by ensuring any potential for conflict is actively considered by the AGO where appropriate.
 - Your proposed role at Candey is not advising clients. You will primarily be providing business development advice, especially in the USA, where the firm is looking to expand its operations and is actively prospecting new clients.

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; The Rt Hon Lord Pickles; and Mike Weir.

8. There remains a risk you may have privileged insight that could be seen as offering an unfair advantage. Whilst you are returning to your long-held career, as Attorney General you held a senior, high profile and pivotal role within the justice system; and are moving to a private law firm. The Committee considered the risks under the Rules would likely arise should you advise on matters of interest to the Attorney General's Office (the AGO). In particular, matters related to investigations at the SFO and CPS where you may have been involved; or matters of law related to the UK government where you provided advice.
9. More generally, the Committee considered that given your role and profile as the former Attorney General, there is a risk that your influence could offer Candey unfair access to the UK government, or contacts in foreign governments and private companies you made during your time in office.

The Committee's advice

10. 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. Whilst there is a risk associated with the unknown clients that Candey services, this is limited given you are not taking up a client facing role.
11. The Committee considered it would be appropriate to impose a condition to address any risks that may arise, should you be asked to advise on issues that overlap with privileged matters you were involved in during your time as Attorney General. You should also consult the AGO at the earliest possible opportunity to seek advice in any case in which a risk might reasonably be considered to arise from a perception of overlap between your previous role and your new appointment.
12. While it is not your intention to lobby the government, the Committee would draw your attention to the restrictions below which prevent you from 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 Committee considered it was important to advise that it would be inappropriate for you to have any direct engagement with the AGO (including the SFO, CPS and any and all other governmental and regulatory bodies), except where it is to consult on matters relating to the appropriateness of any of your assignments.
13. As Attorney General you may also have gained contacts outside of government – within other governments, and private organisations. As such there is a risk your network could unfairly assist Candey in its business

development and the conditions below prevent you from making use of any such contacts gained in office for that purpose.

14. It is significant that you worked in the legal sector before joining government - which you joined in your capacity as a legal officer. The Committee considered that although this is the case, given your significant exposure to information and the influence you may offer it – it was necessary for there to be a gap between leaving office and joining Candey. The Committee recognised the opportunity for you to offer an unfair advantage is limited as you are prevented from drawing on such information and/or advising on matters conflicting with your time in office by the conditions below. In the circumstances, the Committee determined the 12 months which have already passed since you were in office is an appropriate gap. This gap, alongside the conditions below, appropriately mitigate the risks under the Rules.
15. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **CANDEY Ltd** 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 and its arm's length bodies on behalf of Candey (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Candey (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office you should not undertake any work with Candey (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 arm's length bodies;
 - for two years from your last day in ministerial office, your role with Candey should be limited to providing advice on matters that do not conflict with your time as Attorney General. This includes not advising Candey or its clients on matters such as: investigations or cases with which you were personally involved or have knowledge from your time in office; or where the Attorney General/AGO has an interest, and where your involvement could come across as giving rise to a conflict of interest. Where you are in doubt you must consult the Attorney General's Office as to the appropriateness of any particular assignment;

- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office and in other governments and organisations for the purpose of securing business for CANDY Ltd (including parent companies, subsidiaries and partners);
 - for two years from your last day in ministerial office you can contact the Attorney General's Office to consult on matters relating to the appropriateness of any of your assignments. But you should not directly engage with the Attorney General's Office and the Law Officers' Department on any other matters relating to Candey or their clients.
14. The Committee also notes that in addition to the conditions imposed on this appointment by virtue of the Rules and the professional and legal requirements of a practising member of the Bar, there are separate rules in place with regard to your role as a member of the House of Commons.
 15. The Committee also notes that in addition to the conditions imposed on this appointment by virtue of the Rules and the professional and legal requirements of a practising member of the Bar, there are separate rules in place with regard to your role as a member of the House of Commons.
 16. 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. 16. 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.
 17. 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 from, and not a replacement for, the Rules in the House.
 18. You must inform us as soon as you take up employment with this organisation(s), or if it is announced that you will do so. 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.
 19. 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.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. You seek to take up a paid, part-time appointment as Senior Advisor for Candey, a private law firm with offices in London and New York. It describes itself as advising individuals, businesses and corporations of all sizes in areas such as commercial and cross-border litigation, international arbitration, international public law, and financial crime and regulation.
2. You said that you will be providing business development advice, especially in the USA, where the firm is looking to expand its operations and is actively prospecting new clients, and attending legal conferences and presentations. You stated it will not involve representation or interaction with clients or advising on cases in which the government has an interest.
3. You informed the Committee that you were offered the role in August 2023 having been introduced to the managing partner by a friend. Prior to becoming Attorney General you continuously practised at the Bar for 17 years and that you are returning to a former career outside of government.

Dealings in office

4. You said your role included overall responsibility for the legal profession, and as such you met with legal representatives and practitioners. You told the Committee you had no official dealings with Candey during your time as Attorney General.
5. You said you made no decisions specific to Candey or the sector, noting your role was not policy-active or operational. You also recognised that some of your legal functions may have impacted legal services and policy generally. You also had overall supervision of the Serious Fraud Office (SFO) and Crown Prosecution Service (CPS).

Departmental views

6. Your former departments, the Attorney General's Office and Cabinet Office, were consulted on this application. The departments confirmed the information above and provided the following was information:
 - a. You did not meet with Candey.
 - b. The AGO was not aware of any cases in which Candey were acting and in which the AGO had an interest.
 - c. The AGO does not own any policy functions.
 - d. You were not involved in any decisions that specifically benefited or prejudiced Candey.
 - e. You have no known access to commercially sensitive information.
 - f. There is no relationship between Candy and your former departments.

7. The departments recommended standard conditions and a process to ensure that conflicts can be appropriately managed. It was proposed that you be asked to consult the AGO at the earliest opportunity to seek advice on any case in which a risk might reasonably be considered to arise from a perception of overlap between your previous role and your new appointment. This is an arrangement that has been put in place in other similar cases.