



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Chloe Smith MP, former Secretary of State for the Department of Science, Innovation, and Technology and previously Secretary of State and Minister of State for the Department for Work and Pensions. Unpaid appointment with Big C.

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 Trustee of Big C.
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 Big C. The material information taken into consideration by the Committee is set out in the annex below.
3. 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; this is not an endorsement of this appointment in any other respect.
4. 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 are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's advice

5. When considering this application, the Committee¹ took into account this role as a Trustee of Big C is unpaid². 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. Whilst there is an overlap with your most recent time in office and your proposed role with Big C. Your former departments had no concerns about you taking up this appointment including your access to information in relation to cancer research (from which you were recused).

7. 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.

8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Big C** 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 Big C (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

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

Big C (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 Big C (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.

9. 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.

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. 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.

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.

The Rt Hon Lord Eric Pickles

Annex - Material information

The role

1. You said Big C is a local charity service in your constituency and the wider county, aspiring to serve the East Anglian region. You said that Big C is a local cancer charity that provides cancer support, by providing support, research funding, equipment and education.
2. You said that you are seeking to take up an unpaid (except for reasonable expenses), part-time role as a Trustee for Big C. You said that in your role you will be expected to attend Board meetings and may also be invited to join small working groups and asked to attend strategic planning days and other internal and public events as required.
3. You said that Big C may lobby NHS bodies, local government, and government departments or bodies relevant to cancer support, research, equipment or education. You provided a letter, addressed to you, from Dr Christopher Bushby, Chief Executive of Big C, who said that your *'value to the Board would certainly be your UK connections and as presented on Friday we demonstrated that we are developing Big C's visibility beyond our regional borders and your input and guidance would be of immense value'*. To address concerns around lobbying you said that the risk this presents *'could be mitigated by allocating duties to other trustees or executive staff of the charity for the period of restriction'*.

Dealings in office

4. You said while Secretary of State for DSIT (maternity cover), you agreed with the permanent secretary on appropriate barriers to the department's work-regarding cancer research.
5. You said that you have occasionally worked with Big C on a constituency basis and asked them about becoming more involved. You noted that you had breast cancer in 2020 and have spoken publicly about cancer support. You said you did not have treatment in the hospitals that Big C is currently connected with.
6. You said that you *'...met national cancer charities such as Macmillan during my role as MfDP (Minister for Disabled People), to discuss welfare for cancer patients and social security rules at the end of life. Officials were present. Actions included improvements to operational service in relevant benefit lines, and the successful conclusion of the Social Security (End of Life) Act which provides welfare quicker to terminally ill claimants'*.

7. You said that as Minister for Disabled People and Secretary of State some of your decisions '*affected the financial interests of people with cancer, but not the charity directly*'. You noted the Big C does not provide welfare advice.

Department Assessment

8. The Department for Work and Pensions (DWP), the Cabinet Office, and the Department for Science, Innovation, and Technology (DSIT) were consulted on this application.

9. DWP and DSIT stated that you did not make any policy or regulatory decisions which affected Big C directly or specifically and confirmed this information provided.

10. DWP confirmed that you had one constituency meeting with the Big C in your diary on 4 February 2022 and some contact with competitors via roundtables in the disability space. It has no formal relationship with the Big C but as a stakeholder in a relevant area, it noted it may have interactions with them in the future.

11. The departments had no concerns about your access to information and recommended the standard conditions.