



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Patricia (Tricia) Hayes CB, former Second Permanent Secretary at the Home Office. Paid application to join Costain Group plc.

1. Ms Hayes sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Crown Servants (the Rules) on taking up a role with Costain Group plc (Costain) as an Advisor.
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 Ms Hayes' time in office, alongside the information and influence she may offer Costain. 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 Rules set out that Crown servants must abide by the Committee's advice¹. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants 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

5. Ms Hayes' proposed role as Advisor is focussed on being the independent Chair of the Integrated Programme Team Partnering Board- a key governance

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code

forum of the consortium of Skanska, Costain and Strabag (SCS). SCS has been contracted to deliver aspects of the Southern Section of HS2.

6. In Ms Hayes' most recent roles with the Home Office, she had no official dealings with Costain and there is no direct overlap with this role. Prior to joining the Home Office, Ms Hayes spent considerable time at the Department for Transport (DfT). In her last role at DfT, three years ago, she had responsibility for roads. In that role she had occasional contact with Costain and other members of the SCS consortium at stakeholder events. Costain is also a key supplier to DfT, including on National Highways (formerly Highways England). Though highways fell within her area of responsibility, DfT confirmed she made no policy or commercial decisions specific to Costain, nor was she involved in HS2. As such, the risk that this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
7. The risks associated with her access to information were carefully considered, particularly given the overlap with her previous time at DfT. The Committee agreed with the department that the risks associated with her access to information to be significantly limited as:
 - It has been over 3 years since Ms Hayes' time at DfT, significantly devaluing the currency of any information she may have had access to.
 - She was not responsible for either HS2 or rail more generally in her last role at DfT;
 - Whilst there are inherent risks associated with her access to information; her role as Second Permanent Secretary at the Home Office has no direct crossover with this proposed role; and .
 - It has been 5 months since she was in Crown service with any access to information or decision making.
8. There are risks her network of contacts and influence within government may be seen to offer Costain and the SCS consortium more generally unfair access or influence. It is relevant that SCS has already been awarded this programme of work, at arms' length from government, and there are a number of government agreed frameworks in place to govern the delivery of HS2. Further, her role is internal to the governance of that delivery. Ms Hayes confirmed she will not be involved in the commercial/contractual relationship with HS2 or its relationship with the government more widely. She did note that some government officials may act as observers to the board. As described this contact with officials would be in keeping with the lobbying ban that applies under the Rules.

The Committee's advice

9. The Committee² considered the risks associated with Ms Hayes' access to sensitive information and contacts, would be appropriately mitigated by the standard conditions below. These seek to prevent her from drawing on her privileged information and using her contacts to the unfair advantage of Costain. The Committee also reminds Ms Hayes and her proposed employer that any contact she has with officials must not give rise to a reasonable perception that Ms Hayes is seeking to influence government in any capacity on behalf of Costain/SCS.
10. The Committee advises, under the government's Business Appointment Rules, that Ms Hayes' role with **Costain Group plc** should be subject to the following conditions:
- she should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service;
 - for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of Costain Group plc (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Costain Group plc (including parent companies, subsidiaries, partners and clients); and
 - for two years from her last day in Crown service, she should not provide advice to Costain Group plc (including parent companies, subsidiaries, partners and clients) 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.
11. The advice and the conditions under the government's Business Appointment Rules relate to an individual's 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

² This application for advice was considered by: Andrew Cumpsty; The Rt Hon Lord Pickles; Mike Weir; The Baroness Jones of Whitchurch; Sarah de Gay; and Isabel Doverty.

rules and regulations they 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 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. Ms Hayes must inform us as soon as she takes up employment with this organisation, or if it is announced that she will do so. She must also let us know if he proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application.
15. 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.

Yours Sincerely,

Hamzah Rizvi
Committee Secretariat

Annex - Material Information

The role

1. Costain Group plc is a British construction and engineering company headquartered in Maidenhead, England. Costain has a relationship with HMG - it was awarded funding by BEIS last year (now DESNZ) for the H2Juice project³ via BEIS' hydrogen accelerator programme, as well as funding via Innovate UK (an ALB of BEIS, now DSIT) for an electric roads study⁴. It also holds several commercial contracts with DfT and its arm's length bodies.
2. In her paid, part-time role as Advisor, Ms Hayes stated her responsibilities will be to act as the independent Chair of the Integrated Programme Team Partnering Board which is a key governance forum for the Southern Section of HS2, being delivered by the Skanska, Costain and Strabag (SCS) joint venture for HS2 Ltd, including:
 - Ensuring effective, evidence-based decision making and action planning by the board.
 - Ensuring a focus by the board on the right mix of strategic and near-term operational challenges.
 - Leading continuous improvement of the board including through formal evaluations on an annual basis.
3. Ms Hayes said the main focus of the role is on HS2 and its SCS delivery partners. On that basis there may be occasional contact with DfT officials (who act as observers on the board) but no contact with ministers.

Dealings in office

4. Ms Hayes confirmed she has had no contact of any kind with Costain or other consortium members for three and a half years. She added that Costain does not have a relationship with the Home Office and confirmed she did not make any policy or regulatory decisions, nor did she have access to sensitive information specific to Costain.

³ <https://www.costain.com/news/news-releases/costain-awarded-funding-for-innovative-hydrogen-project/>

⁴ <https://constructionmanagement.co.uk/costain-wins-funding-for-electric-roads-study/>

5. Ms Hayes advised the Committee that during her time at DfT, before she joined the Home Office in February 2020,) she had occasional contact with Costain and other members of the SCS consortium at stakeholder events. In her last posting at DfT, she was Director General with responsibility for the development of the strategic roads investment programme; and Costain is a key supplier to National Highways (formerly Highways England). Ms Hayes added that although she was a member of the DfT investment committee between 2016 and 2020, she never worked personally on the HS2 project.

Departmental Assessment

6. The Home Office and the DfT confirmed the details provided by Ms Hayes on her application. DfT advised the Committee:
 - Ms Hayes did not make any decisions specific to Costain.
 - It does have a departmental relationship with Costain - the company is part of DfT's STARTwo and STARTthree frameworks and Costain is a key supplier to National Highways (formerly Highways England). The department and its arm's length bodies have contracted Costain for various pieces of work in the last few years - with an approximate spend in 2022/2023 of £784k.
 - There do not appear to have been any projects Costain worked on under Ms Hayes' remit as Director General at DfT.
 - It is unlikely that any information Ms Hayes possesses would be sufficiently up to date to be relevant to Costain now and the department does not have any evidence of her having any access to information since her departure in Feb 2020.
7. The Home Office confirmed she did not meet with, have access to sensitive information, nor make any policy or regulatory decisions specific to Costain during her time with the department.
8. The Home Office and DfT recommended the standard conditions.