



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Guto Harri, former Director of Communications at No. 10. Paid appointment with Hydro industries.

1. Mr Harri 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 Hydro Industries (Hydro) as director. The material information taken into consideration by the Committee is set out in the annex.
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 Mr Harri's time in office, alongside the information and influence he may offer Hydro.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks associated with this work under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. 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 risk presented

5. Mr Harri did not meet with Hydro whilst in post and did not make any decisions regarding Hydro or its competitors while in post. The Committee also noted he was returning to his former role he held with Hydro before joining government and as such considered the risk he was offered this role as a reward for decisions or actions taken in post is low.

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

6. As former Director of Communications, due to the breadth of his work, Mr Harri would have gained general insight and had access to information that would likely be of benefit to any organisation. The Committee recognised any company may be considered to be gaining from his insight at the centre of government that is unavailable to its competitors. However, the Committee considered there were significant factors that help to mitigate the risks associated with his access to information:
 - a. this is a general risk, as Director of Communications he had no specific responsibilities for this sector in office, as confirmed by No.10;
 - b. Mr Harri is returning to the same role he held with the same company in office;
 - c. Cabinet Office said given the very fast-paced, reactive nature of the team, it means any information he did have access to is likely to now be in the public domain
 - d. Cabinet Office said the new administration, starting in September means the currency of any such information is likely to be degraded
 - e. he was only in post for 6 months mitigating the breadth of information he would have access; and
 - f. he has an ongoing duty of confidentiality.
7. As the former Director of Communications' there are risks associated with his influence and network of contacts within government - which could unfairly assist Hydro. The Committee took into account that Mr Harri's proposed role will not involve lobbying government. The Committee took into account that the role is limited to offering advice on communications, including writing press releases and overseeing social media. It is significant that there is no direct overlap with his work at No.10 where he was brought in for his communications expertise - and he is going back to the work he did in media and communications.
8. Hydro has a consultancy service. While Mr Harri's role is internally focussed, he may be asked to advise a range of unknown clients. Risks under the Rules would arise should he be asked to work with a company who were affected by matters that relate to areas he had direct involvement in, or where he may have had a relationship whilst in Crown service. This risk is limited given Mr Harri's described role as Communications Director

The Committee's advice

9. There is no direct crossover with his role in office and his returning to this former role. The Committee agrees with the Cabinet Office that there are limited risks associated with Mr Harri's access to information given the mitigating factors set out above. The main risk in this case is the risk associated with his influence and the risk he is seen to offer Hydro unfair access to government. The Committee's advice is therefore that he should have no direct engagement with the government on behalf of Hydro.
10. The other conditions set out below are sufficient to mitigate the inherent risks associated with Hydro's unknown clients and his access to information in post.

11. The Committee advises, under the Government's Business Appointment Rules, that your role with **Hydro Industries** should be subject to the following conditions:

- He should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its Arm's Length Bodies on behalf of Hydro Industries (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Hydro Industries (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service he should not provide advice to Hydro Industries on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government or any of its Arm's Length Bodies;
- for two years from his last day in Crown service he should not have any engagement on behalf of Hydro Industries (including parent companies, subsidiaries, partners and clients) with the UK Government; and
- for two years from his last day in Crown service, he should not advise Hydro Industries (including parent companies, subsidiaries, partners and clients) on work with regard to any policy he had a material role in developing or determining or where he had a relationship with the company or organisation during his time as Director of Communications at No. 10.

12. The advice and the conditions under the government's Business Appointment Rules relate to Mr Harri's 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.

13. 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.

14. 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."

15. As with all Special Advisers, the Committee makes this recommendation on the understanding that, if Mr Harri have not already done so, he must confirm in writing to his department that he recognises that he continues to be bound by the provisions of the criminal law (including the Official Secrets Act) which protect certain categories of information, and by his duty of confidentiality owed to the Crown.
16. Mr Harri must inform us as soon as he takes up this work, or it is announced you will do so. Mr Harri must also inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
17. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours Sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Mr Harri said Hydro is an environmental clean up company. The website states Hydro is based in the UK and is a water technology company developing, designing and operating solutions for water purification and industrial effluent processing. It states it is 'Innovators of a complete water treatment solution, Hydro provides an unparalleled level of clean technology and service to a global market'. The company has worked with a number of large companies including:
 - Tata
 - Ford
 - Shell
 - Anglo American
2. Mr Harri said he will advise on communications, write press releases and oversee social media. He said his role will not involve contact with government
3. Mr Harri was a director of the company before joining No.10.

Dealings in office

4. Mr Harri told the Committee he did not meet with Hydro while in office. Further, he said he:
 - a. did not have any involvement in any relevant policy development or decisions that would have affected Hydro
 - b. had no commercial or contractual responsibilities relating to Hydro; and
 - c. did not meet with competitors of the Hydro nor have access to sensitive information regarding competitors.

Department Assessment

5. The Cabinet Office and No.10 confirmed the details Mr Harri provided and said he had no official dealings with Hydro.
6. The department said Mr Harri was in a very senior position at No.10 (Director of Communications) and, as such, had access to a wide range of sensitive information. However, it stated it is unlikely that any of this would be of relevance to the company in question. Mr Harri's role meant that he would have seen much of this information at a time close to publication, rather than deep ongoing policy knowledge - worked in a very fast-paced, reactive team, meaning any information that he did have access to is likely to now be in the public domain (by virtue of his communications role, which is focused on promoting government priorities to the public/ media), so is of diminishing value to his new employer. Given the new administration will be starting in September and government policy could therefore change from that point, the currency of any such information is likely to be degraded, even if it were held.
7. The Cabinet Office confirmed it has no concerns and recommended the standard conditions should be applied.