



## **OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION: Andrew McCosh, Deputy National Technology Adviser and Director General of the Office for Science and Technology Strategy (OSTS), Cabinet Office. Paid appointment with BAE Systems (BAE).**

1. Andrew McCosh 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 an appointment he wishes to take up with BAE as Group Security 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 McCosh's time in office, alongside the information and influence the former Deputy National Technology Adviser and Director General at the Cabinet Office may offer BAE.

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 does not imply the Committee has taken a view on the appropriateness of this appointment for a former Crown servant in any other respect.

4. The Rules<sup>1</sup> 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

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<sup>1</sup> 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.

5. Mr McCosh's only contact with BAE may have been at wider stakeholder events held during his time at the Cabinet Office in respect of his work on the UK's approach to innovation, science and technology. Mr McCosh did not make any regulatory or policy decisions specific to BAE during his time in office. The Cabinet Office said that Mr McCosh's role was focused on strategic level engagement on moving government policy forward to develop growth in science and technology to stimulate economic growth. The Committee<sup>2</sup> therefore considered the risk that this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.

6. The Cabinet Office confirmed Mr McCosh has not had access to sensitive information since July 2022 when he left his role; and since his departure, the National Science and Technology Council (NSTC) which Mr McCosh worked on has been disbanded, with a new Council established in October. Mr McCosh's role in the Cabinet Office was about helping the Cabinet and departments responsible for policy to deliver on science and technology objectives, not to set the policy and his access to sensitive information was limited.

7. There are inherent risks associated with Mr McCosh's network of contacts from his time in government, which could be seen to unfairly advantage BAE. As part of his role, Mr McCosh seeks to have contact with the government in relation to security best practice, strategic threats and geopolitical analysis. Specifically, Mr McCosh said he will focus on increasing BAE's security including compliance against the UK government's specific security requirements where relevant. The Committee therefore considered whether this contact would offer an unfair advantage to BAE, particularly in light of the lobbying ban that applies to all former senior officials leaving office. Significantly, Mr McCosh's proposed contact is not about influencing the UK government's decisions, and a stakeholder relationship already exists between BAE and the government. The Committee considered that this particular contact with the government would be in keeping with the Rules and the lobbying ban below, and therefore would not be improper.

#### The Committee's advice

8. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Mr McCosh cannot make use of his access to privileged information, contacts or influence gained from his time in Crown service to the unfair advantage of BAE.

9. The Committee advises under the government's Business Appointment Rules that Mr McCosh's appointment with **BAE** 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

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<sup>2</sup> This application for advice was considered by Jonathan Baume; Andrew Cumptsy; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles, Richard Thomas and Mike Weir. Lord Larry Whitty was unavailable.

bodies on behalf of BAE Systems (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage BAE (including parent companies, subsidiaries, partners and clients);

- for two years from his last day in Crown service, he should not provide advice to BAE Systems (including parent companies, subsidiaries, partners and clients) 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 and its Arms' Length Bodies.

10. The advice and the conditions under the government's Business Appointment Rules relate to an applicant'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.

11. 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.

12. 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*'.

13. You must inform us as soon as Mr McCosh takes up employment with this organisation, or if it is announced that he 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 he has complied with the Rules. Mr McCosh also needs to 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.

14. 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

Oli Purnell  
**Committee Secretariat**

## Annex - Material information

### The role

1. Mr McCosh said he has been offered a paid role as Group Security Director at BAE Systems (BAE).
2. Mr McCosh said his role is primarily aimed '*...at ensuring the operational and product integrity, from a security perspective, of BAE Systems as the UK's leading defence contractor. It also aims to keep BAE Systems aware of international opportunities and risks to their business*'. He described his duties to the Committee, summarised here as:
  - Responsibility for ensuring BAE is compliant with UK and US government requirements (List X in the UK)<sup>3</sup>. This requires contact with government
  - Advising senior management on geostrategic and security issues impacting on the company
  - Managing stakeholders (internally and externally), including with industry and government departments
  - Developing and maintaining the group's security policy
  - Material investigations on security matters
  - Advising on international defence programmes
  - Working with the Chief Information Technology Officer on IT security and risk
  - Overseeing external support for security
3. As part of his role Mr McCosh said he expects to have contact with government. In particular, this will likely be with the Centre for the Protection of National Infrastructure (CPNI) and the National Cyber Security Centre (NCSC), as well as the MOD. Mr McCosh said this contact will be focused on security best practice, threat and geopolitical analysis and meeting government 'List X' requirements.
4. Mr McCosh said that various parts of BAE are already on 'List X', and that his role would be focused on increasing compliance against these requirements, not seeking to influence the UK government in any way in terms of getting further parts of BAE on List X, performance against requirements, or to influence what the UK government mandates those requirements look like.

### Dealings in office

5. Mr McCosh said that he has not had any direct contact with BAE, though they might have been present during roundtable discussions at some stage

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<sup>3</sup> List X is a list of UK companies that have security clearance to perform tasks for government. Further details on List X requirements can be found here <https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors>.

during his discussion with business stakeholders on the Science and Technology Advantage Strategy.

6. Mr McCosh said that he was not involved in any regulatory or policy development, nor decisions specific to BAE - commercial or otherwise while in office.

#### Department Assessment

7. The Cabinet Office confirmed the details provided by Mr McCosh.
8. The Cabinet Office said that Mr McCosh's work was at a strategic level in relation to the UK's overall approach to innovation, science and technology and never on individual projects or programmes. It confirmed that other than looking at science and technology through the integrated review, there was no discussion on defence spending or individual companies. It confirmed he made no decisions that might be seen to impact BAE.
9. The Cabinet Office confirmed it does not have a commercial relationship with BAE; and it did not believe Mr McCosh had any contact with BAE. It did note it was possible the company was present at some roundtable discussions.
10. The Cabinet Office confirmed that Mr McCosh has not had access to sensitive information since July 2022, when he left his role. After a change in government on 8 September 2022, the NSTC was disbanded, with a new National Science and Technology Council being established in October, 2022<sup>4</sup>. The Cabinet Office was not aware of any information whether strategic or commercial that would offer any unfair advantage to BAE.

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<sup>4</sup> <https://www.gov.uk/government/news/new-national-science-and-technology-council-established>