



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lieutenant General James Swift CB OBE, former Chief of the Defence People at the Ministry of Defence. Paid application to join Criticaleye Europe.

1. Lieutenant General Swift 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 his proposal to work with Criticaleye Ltd (Criticaleye) as a Board Mentor.
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 Lieutenant General Swift made during his time in office, alongside the information and influence he may offer Criticaleye. 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 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 risks presented

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.

5. Lieutenant General Swift attended a Criticaleye retreat for Chief HR Officers in February 2022, where he gave a presentation on people challenges and took part in a panel discussion. The MOD confirmed that Lieutenant General Swift was not involved in any policy or regulatory decisions specific to the organisation. Therefore, the Committee² considered the risk that he could reasonably be seen to have been offered this role as a reward for decisions made or actions taken in office is low.
6. Given Lieutenant General Swift's role within the MOD, he will have general access to sensitive information on defence and its people policy that could benefit a range of organisations. The Committee considered the risks associated with his access to information are limited, in particular, as Criticaleye is a mentoring and professional development company and Lieutenant General Swift's role will be narrow, providing mentorship to senior leaders. The MOD is not aware of any specific information that would provide an unfair advantage to Criticaleye.
7. There is a risk associated with the range of contacts that Lieutenant General Swift would have amassed during his time in office and the unfair advantage that this may provide Criticaleye. Lieutenant General Swift said he will have no contact with the UK government or the MOD in his role.

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 Lieutenant General Swift cannot make use of his access to privileged information, contacts or influence gained from his time in Crown service to the unfair advantage of Criticaleye.
9. The Committee advises, under the government's Business Appointment Rules, that Lieutenant General Swift's role with **CriticalEye Europe** 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;

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

- 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 Criticaleye Europe (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 Criticaleye Europe (including parent companies, subsidiaries, partners and clients); and
 - for two years from his last day in Crown service, he should not provide advice to Criticaleye Europe (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, the Ministry of Defence or its trading funds.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests³. 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 Lieutenant General Swift takes up employment with this organisation, or if it is announced that he will do so, by emailing the office at the above address. Please also inform us if he proposes to extend or

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

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

Hamzah Rizvi
Committee Secretariat

Annex- material information

The role

1. According to its website '*Criticaleye is the peer-to-peer Board Community that inspires and supports leaders and their teams to fully realise their true creative and business potential*'. Lieutenant General Swift stated the nature of the organisation is to help leaders across sectors, business functions and geographical locations to resolve issues through peer-to-peer debate and discussion.
2. Lieutenant General Swift stated that as a Board Mentor his responsibilities will include:
 - deliver the mentoring service through six formal engagements across the year, these can be through formal meetings or via phone or video-conference
 - develop an action plan linked to the agreed objectives of the individuals of Executive Membership with Criticaleye and coordinate activities with the relevant Relationship Manager
 - reinforce the value of Criticaleye and opportunities available to the individual to meet their objectives through other services available to them
 - help individuals with profile-raising, developing their personal brand, and networking
 - listen and ask open-ended questions and give advice if asked.

He confirmed his role will not involve contact with government and/or the MOD.

Dealings in office

3. Lieutenant General Swift informed the Committee he attended a Criticaleye retreat for Chief HR Officers in February 2022, where he gave a presentation on people challenges and opportunities in the MOD and took part in a panel discussion. He confirmed that he did not have involvement in any policy development or decisions that would have been specific to Criticaleye, and held no commercial or contractual responsibilities relating to it, nor did he have access to sensitive information specific to the company.

Departmental Assessment

4. The MOD confirmed the details Lieutenant General Swift provided and said:
 - he was not involved in policy or regulatory decisions specific to Criticaleye; and

- he did not have access to sensitive information specific to Criticaleye or its competitors.
5. The MOD did not have concerns with the appointment and recommended the standard conditions, stating that:

‘Clearly, Lt Gen James has contacts at the highest level of Defence and extensive knowledge of Defence’s people policy. However, he will not have any contact with the MOD in his new role. Standard conditions will be sufficient to address any remaining risk.’