

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Sir Robert Buckland QC MP, former Secretary of State for Wales and former Lord Chancellor and Secretary of State for Justice. Paid appointment with DAC Beachcroft LLP.

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 a paid role as Consultant (Member of DAC Beachcroft Policy Unit) with DAC Beachcroft LLP.
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 your time in office, alongside the information and influence you may offer DAC Beachcroft LLP. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee considered whether this work was unsuitable given your former role as Lord Chancellor and Secretary of State for Justice and the nature of DAC Beachcroft LLP's work. The Committee must also consider the information provided by the department. The Committee has imposed a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules. The Committee's advice is not an endorsement of the appointment.
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, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration

5. The Committee¹ noted that there is a relationship between DAC Beachcroft LLP and the Ministry of Justice (MOJ). The MOJ and the Wales Office noted that, as minister, you did not make any decisions that would have specifically affected DAC Beachcroft LLP. The risk that this appointment could be reasonably considered as a reward for actions taken in office is therefore low.
6. The Committee noted as the former Lord Chancellor and Secretary of State for Justice there is an inherent risk you could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit any organisation operating in the legal and justice sector. There are several mitigating factors in respect of the risks associated with your access to information and influence:
 - The MOJ and Wales Office consider the risk associated with your access to information is low;
 - Over 2 years have passed since you last had access to information or involvement in the work in the MOJ;
 - You are returning to your former career before entering government and therefore have relevant experience gained before joining government; and
 - you are prevented from using privileged information by a number of formal restraints, as well as the Rules. These include: the Bar Code of Conduct as well as legal professional privilege and client confidentiality, alongside the rules and principles which apply to all former ministers.
7. More generally, the Committee considered that, given your role and profile as the former Secretary of State for Wales and Lord Chancellor and Secretary of State for Justice, there is a risk of a perception that your influence might assist DAC Beachcroft LLP.
8. Since leaving office, you have been appointed by government to the role of Independent Review Chair for Autism and Employment with the Department for Work and Pensions. The consideration of the risks around any conflict that may arise in future as a result of this role is for the department and you to manage.

The Committee's advice

9. The Committee recognised that your role will be limited, within the confines of your personal and professional responsibilities to matters where there is no conflict of interest. There remain potential unknown risks associated with your time in office, specifically, should a client be an individual, company or organisation you had a direct engagement with whilst in office; or where you had a material role in considering a related legal matter in office. It is difficult to anticipate in advance specific conflicts which may arise, therefore, the Committee considered it would be appropriate to impose a condition which makes it clear your work should be limited to providing advice on matters

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

that do not conflict with your time as Lord Chancellor and Secretary of State for Justice as well as Secretary of State for Wales. This is in keeping with the formal restraints placed upon you, including the Bar Code of Conduct.

10. While it is not your intention to lobby the Government, the Committee would draw your attention to the restrictions below which prevent you from making use of contacts to unfairly advantage your new employer in relation to policy, funding or contractual matters related to the UK Government. Further, the restriction below on providing advice on the terms of a bid or contract relating directly to the work of the Government prevents you from providing an unfair advantage to DAC Beachcroft LLP or its clients in respect of future work with the UK Government.

11. In accordance with the government's Business Appointment Rules, the Committee advises this role with **DAC Beachcroft LLP** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office - which extends to any other role in which you continue to represent the UK government and its arm's length bodies;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the government or any of its Arm's Length Bodies on behalf of DAC Beachcroft LLP (including clients, parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit DAC Beachcroft LLP (including clients, parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to DAC Beachcroft LLP (including clients, parent companies, subsidiaries and partners) 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; and
- for two years from your last day in ministerial office, your role with DAC Beachcroft LLP should be limited to providing advice on matters that do not conflict with your time as Lord Chancellor and Secretary of State for Justice and Secretary of State for Wales. This includes not advising DAC Beachcroft on cases with which you were personally involved.

12. The advice and the conditions under the government's Business Appointment Rules relate to your 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. You are reminded that all Members of Parliament have a separate ban on paid lobbying under the Parliamentary Code of Conduct, whilst they remain a

sitting MP². 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 Ministerial Code/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. I would be grateful if you would inform us as soon as you take up this work or if it is announced that you will do so. Similarly, I would be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.
16. Once this 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 Pickles

Annex - Material Information

The role

1. You stated that the company provides legal services. According to its website, it is a broad-based commercial firm serving a wide range of sectors with a focus on insurance, health and real estate. Their services span from insurance and commercial litigation, through to corporate and commercial transactions.
2. You stated you wish to take up a paid, part-time role as Consultant (Member of DAC Beachcroft Policy Unit). You stated your responsibilities would entail:

² Advice on your obligations under the Code can be sought from the Parliamentary Commissioner for Standards

- Provide advice and support to DAC Beachcroft and its clients, relating to legal and policy issues that are relevant to them.
- He will also provide briefings to the company and its clients as and when required, both in person and online.
- He confirmed his role will not involve contact with government.

You confirmed your role will not involve contact with government.

3. You stated the job offer arose when you were approached by a senior member of the firm.
4. Additionally, you noted you continue to represent government in the following public appointment:
 - Independent Review Chair for Autism and Employment for DWP.

Dealings in office

5. You stated you did not have any official dealings with DAC Beachcroft LLP while you were in office and had no involvement in policy or contractual decisions whilst in office that would have specifically impacted the company. You also confirmed you have no access to sensitive information about competitors of DAC Beachcroft LLP.

Departmental Assessment

6. The MOJ & Wales Office provided a view on your application. The departments confirmed the details you provided and stated that you were not involved in any policy or regulatory decisions specific to DAC Beachcroft LLP during your time as minister.
7. The Wales Office confirmed it does not hold a relationship with DAC Beachcroft LLP. The MOJ confirmed they respectively have a departmental relationship with DAC Beachcroft LLP and explained that:
 - Its departmental spend with DAC Beachcroft is limited to small legal matters for which you were not involved in and were administered via the standard Government Legal Department process.
 - The department confirmed you were not involved in such relationships and/or engagements between the departments and DAC Beachcroft LLP.
8. The MOJ, DWP and Wales Office did not have concerns regarding your access to information specific to DAC Beachcroft LLP. Further:
 - The department stated it has been over 2 years since you left the department and any information you possess may be out of date;

9. The DWP provided their view and confirmed that:
 - You are not involved in decisions specific to DAC Beachcroft LLP;
 - It has a departmental relationship with DAC Beachcroft LLP - its legal team has instructed DAC Beachcroft LLP via the Legal Services Panel to provide support on ad hoc projects;
 - Your role with the department is advisory in nature and you have not had access to any sensitive internal information specific to DAC Beachcroft LLP.

10. The departments did not have concerns with the appointment and recommended the standard conditions.