



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

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Dominic Raab MP, former Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice, application to establish an independent consultancy.**

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Ministers (the Rules) to establish an independent consultancy- seeking to provide advisory services to businesses on geopolitical risk, financial, and commercial matters. These businesses are likely to include the financial services sector and those involved in supply chain management, for example, the shipping and logistics sector.
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 you made during your time in office, alongside the information and influence the former Deputy Prime Minister and Lord Chancellor may offer your potential clients. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee considered whether this consultancy was unsuitable given your former role as Deputy Prime Minister and Lord Chancellor at the very centre of government, and the broadly defined nature of your proposed consultancy which has the potential to overlap with your time in office. The Committee also considered the information provided by the departments.
4. 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. The Committee's advice is not an endorsement of this application in any other respect.

5. 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 and Advice**

### **Consultancy**

6. You propose to set up a consultancy focused on providing advisory services to businesses in the UK and internationally on geopolitical risk, financial, and commercial advice. These businesses are likely to include the financial services sector and those involved in supply chain management, for example, the shipping and logistics sector.
7. The potential risks are hard to quantify given the broad and wide ranging nature of the consultancy and that clients are unknown. As a senior member of the Cabinet, you will have had oversight of a wide range of information, policy, and influence on decisions. The Committee<sup>1</sup> considered there is a significant risk that your clients may be considered to gain from your privileged insight and potential decisions made in office that are unavailable to its competitors. However, the Committee agreed with your former departments that the risks associated with your access to information and potential decisions made in office are limited given you have been out of office for seven months.
8. It would be improper for any former minister to be involved in helping future clients establish relationships with government or advising on work/bids related to government- as the standard conditions set out. The Committee notes that this is in keeping with your plans as described and you confirmed you will have no contact with government.
9. There is also a risk that you may use contacts built up whilst in ministerial office, in external organisations to gain clients for your consultancy. For example, contacts made in foreign governments and commercial business.
10. This advice provides you consent only to set up a consultancy, subject to a number of conditions. It does not give you consent in relation to any possible future clients. You must seek advice in relation to each client, so that risks can be assessed and it will need to be demonstrated by you and former departments that the work would be appropriate under the Rules.

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<sup>1</sup> 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.

## Future Commissions

11. You must seek advice from the Committee for each commission you wish to accept. Whether the conditions set out below can sufficiently mitigate the risk presented by any future commission you propose to take up will depend on the specific details of each piece of work. Any failure to seek advice before accepting work would be a breach of the Rules and treated as such - including reporting breaching to government.
12. The risks under the Rules will be most significant where you seek to provide advice on matters where you made decisions or had access to sensitive information in office- these applications will need close scrutiny. In particular the Ministry of Justice has advised you should avoid organisations that are suppliers to the department. The Committee agrees it will want to carefully consider the suitability of this type of work, and any other organisations that closely overlap with your responsibilities. The Committee may advise that a further waiting period is required where there are increased risks. Where conditions and a suitable waiting period cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable<sup>2</sup> to take up within the two years the Rules apply. The Committee will consider such risks on a case by case basis.
13. All potential clients must be notified of this advice, and when seeking work/new clients, you must adhere to the conditions below.
14. Under the government's Business Appointment Rules, the Committee advises that this **Independent Consultancy**, should be subject to the conditions set out below:
  - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
  - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service contacts to influence policy, secure business/funding or

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<sup>2</sup> Should an applicant subsequently take up or announce this work, ACOBA will publish relevant information.

otherwise unfairly advantage those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in ministerial office, you should not provide advice to or on behalf of those you advise under your independent consultancy (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;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office in other governments and organisations for the purpose of securing business for your independent consultancy; and
- for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

15. 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' Interests<sup>3</sup>. You are reminded that as a Member of Parliament you have a separate ban on paid lobbying under the Parliamentary Code of Conduct. 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.

16. 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.

17. 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*

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<sup>3</sup> All Peers and Members of Parliament are prevented from paid lobbying under the 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

*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."*

18. You must inform us as soon as your company is live or is announced. You must also inform us if you propose to extend or otherwise change the nature of your consultancy as, depending on the circumstances, it may be necessary for you to make a fresh application.

19. 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.

**The Rt Hon Lord Pickles**

**Annex - Material information**

Independent consultancy

1. You said your consultancy will focus on providing advisory services to businesses in the UK and internationally on geopolitical risk, financial, and commercial advice. You said these businesses will likely include the financial services sector and those involved in supply chain management, for example, the shipping and logistics sector.
2. You said your consultancy would not have any contacts or dealings with government. You said you have no plan to advise foreign governments and would not advise in any area that might generate conflict of interest with, or impinge upon, any decision-making you were involved in from your time in government.

### Department assessment

3. The Ministry of Justice (MOJ), Cabinet Office (CO), and Foreign Commonwealth and Development Office (FCDO) confirmed the following:
  - you did not make regulatory or policy decisions relevant to your consultancy;
  - you would have had access to privileged information that could provide an unfair advantage to his consultancy and prospective clients:
    - i. The MOJ said you will have knowledge of the government's policy position on matters that could benefit your future clients. To be assessed on each commission. Further the department suggested that you should avoid working with suppliers to the MOJ from your time in office, given your overarching responsibilities as Secretary of State.
    - ii. The CO said you will have had access to a variety of advice and information on government policy, but is unlikely to provide an unfair advantage given the time you have been outside of government.
    - iii. The FCDO said you would have had regular access to privileged information and highly classified information related to geopolitics. However, it said two years have passed since you were in post and the geopolitical landscape has shifted and you are unlikely to have sufficiently up-to-date information; and
  - you did not make any commercial decisions relevant to his consultancy.
4. The MOJ, CO, and FCDO recommended standard consultancy conditions. The MOJ suggested that you should not work with a supplier to MoJ, either for contracts which were in place, or for which the procurement process had commenced (including market engagement) at the time of, or prior to, your departure from the MOJ.

