



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt. Hon. Sir Michael Ellis KBE KC MP, former Attorney General. Previously Minister for the Cabinet Office and Paymaster General at the Cabinet Office. Paid appointment with Blackfords 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 a Senior Consultant with Blackfords 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 Blackfords LLP, as a former minister. 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 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 of the risks presented

5. You did not meet with Blackfords LLP while in government and your previous departments have no formal relationship with the firm. You did not make any

decisions specific to Blackfords LLP in office. Therefore, the Committee¹ considered the risk this appointment was offered as a reward for decisions or actions taken in office is low.

6. As the former Attorney General and a member of the Cabinet, you would have had significant access to legally privileged material and information from across government. You superintended the main independent prosecuting departments- the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO). Blackfords LLP offers a range of legal services, including expertise in financial and economic crime and fraud investigations, proceedings and enforcement- on which you will be advising. This broad overlap with your responsibilities as the Chief Legal Office in government could offer the firm unfair access to information. However, there are several mitigating factors raised by you and your former departments in relation to your access to information which limits the likely unfair advantage it could offer:
 - a. you are prevented from using sensitive information by a number of formal restraints, as well as the Rules. These include: the constitutional Law Officers' Convention (which prohibits disclosure of one's previous advisory activities and the content of any advice, without the express permission of the serving Attorney General), the Bar Standards Board Code of Ethics, legal professional privilege and client confidentiality, and the rules and principles which apply to all former ministers
 - b. you have a professional and legal obligation not to work on matters where a conflict is present
 - c. your role in supervising the Serious Fraud Office (SFO) and the Crown Prosecution Service (CPS) did not involve specific regulatory, policy or financial oversight functions
 - d. 17 months have passed since your last day in office and your access to information, reducing the likelihood it is up to date
 - e. your former departments are not aware of any information that would specifically offer an unfair advantage and consider the risks can be managed by ensuring any potential for conflict is actively considered by the Attorney General's Office (AGO) where appropriate.
7. There remains a risk you may have privileged insight that could be seen as offering an unfair advantage. Whilst you are returning to your long held career, as Attorney General you held a senior, high profile and pivotal role within the justice system and public law; and are moving to a private law firm. It is significant that Blackford LLP's clients are unknown and the precise pieces of work that you will undertake are unknown. The Committee considered the risks under the Rules would likely arise should you advise on matters of interest to the AGO. For example, matters related to investigations at the SFO and CPS where your involvement was required; or matters of law related to the UK government where you provided advice. It is significant that

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

you have arranged for your contract with Blackfords LLP to state your obligations to comply with the Rules and the Committee's advice.

8. The Committee considered that given your role and profile as the former Attorney General, there is a risk it could be perceived your influence in government might assist Blackfords LLP.

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.
10. The Committee considered it would be appropriate to impose a condition to address any risks that may arise, should you be asked to advise Blackfords LLP or its clients on issues that overlap with privileged matters you were involved in during your time as Attorney General. You should also consult the AGO at the earliest possible opportunity to seek advice in any case in which a risk might reasonably be considered to arise from a perception of overlap between your previous role and your new appointment.
11. While it is not your intention to lobby 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 Committee considered it was important to advise that it would be inappropriate for you to have any direct engagement with the government and the AGO (including the SFO, CPS and any and all other governmental and regulatory bodies), except where it is to consult on matters relating to the appropriateness of any of your assignments.
12. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Blackfords LLP** be subject to the following conditions:
 - 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 and its arm's length bodies on behalf of Blackfords LLP (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Blackfords LLP (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office you should not undertake any work with Blackfords LLP (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 its arm's length bodies;

- for two years from your last day in ministerial office, your role with Blackfords LLP should be limited to providing advice on matters that do not conflict with your time as Attorney General. This includes not advising Blackfords LLP or its clients on matters such as: investigations or cases with which you were personally involved or have knowledge from your time in office; or where the Attorney General/AGO has an interest, and where your involvement could come across as giving rise to a conflict of interest. Where you are in doubt you must consult the Attorney General's Office as to the appropriateness of any particular assignment; and
- for two years from your last day in ministerial office you can contact the Attorney General's Office to consult on matters relating to the appropriateness of any of your assignments. But you should not directly engage with the Attorney General's Office and the Law Officers' Department on any other matters relating to Blackfords LLP or its clients.

13. The Committee also notes that in addition to the conditions imposed on this appointment by virtue of the Rules and the professional and legal requirements of a practising member of the Bar, there are separate rules in place with regard to your role as a member of the House of Commons.

14. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; there are separate 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' Interests². 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.

15. 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.

16. 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*

² 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

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."

17. You must inform us as soon as you take up employment with this organisation(s), or if it is announced that you will do so. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
18. 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

The role

1. Blackfords LLP describes itself as servicing high net worth clients to find solutions through dispute resolution, as experts in the following areas of law:
 - Financial and economic crime
 - Fraud investigations, proceedings and enforcement
 - Tax investigations and proceedings
 - Health & Safety advice, investigations and proceedings
 - Regulatory investigations, enquiries and proceedings
 - Coroner inquests and public enquiries
 - Disciplinary proceedings
 - Road traffic offences
 - Election Law
 - Reputation protection
 - Corporate and employment independent investigations
 - Divorce, financial settlements and child contact
 - Prenuptial agreements and civil partnerships
2. You wish to take up a role as a Senior Consultant. You said your responsibility would be to consult on white collar crimes, and regulatory investigations and proceedings. You said that you will not be advising clients directly whilst you are still a sitting MP. You said that your role will not involve any contact or dealings with government.
3. You provided the Committee with your proposed contract with Blackfords LLP, which clearly states your commitment to compliance with ACOBA's conditions, confirming that Blackfords agrees '...that all of [your] duties under

this agreement are subject to [your] overriding obligation to adhere to the ACOBA Conditions’.

4. Prior to becoming Attorney General you continuously practised at the Bar for 17 years and that you are returning to a former career outside of government.

Dealings in office

5. You said your role included overall responsibility for the legal profession and you met with legal representatives and practitioners. You had no official dealings with Blackfords LLP during your time as Attorney General.
6. You said you made no decisions specific to Blackfords LLP, noting your role was not based in policy. You also recognised that some of your legal functions may have impacted legal services and policy generally. You also had overall supervision of the Serious Fraud Office (SFO) and Crown Prosecution Service (CPS).

Department assessment

7. The Cabinet Office and the AGO were consulted on your application. Your former departments confirmed that you did not meet with Blackfords LLP whilst in office, nor is there a relationship between the AGO or the Cabinet Office and the firm. You did not make any policy or operational decisions specific to Blackfords LLP. Further, the administration of justice is not owned by the AGO but by the Ministry of Justice.
8. The AGO said as Attorney General, you had access to confidential and legally privileged information which if disclosed inappropriately could be considered to offer an unfair insight/advantage to Blackfords LLP and its clients. However, it noted that in addition to an ongoing duty of confidentiality, you are also bound by the Law Officer’s Convention - that advice cannot be disclosed outside government without the Law Officers’ explicit consent. Further it, nor the Cabinet Office was aware of any specific information of risk.
9. The Cabinet Office recommended standard conditions. The AGO said in addition to imposing the standard conditions, ACOBA may wish to consider setting specific conditions, to ensure sensitive and confidential information (including Law Officers’ advice and other legally privileged material) is not inappropriately disclosed.