



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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June 2024

BUSINESS APPOINTMENT APPLICATION: Ms Amber de Botton, former Director of Communications at No.10, the Cabinet Office. Paid appointment with the Guardian Media Group.

1. Ms de Botton 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 taking up a role with the Guardian Media Group (GMG) as Chief Communications Officer.
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 Ms de Botton's time in office, alongside the information and influence she may offer GMG. 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 Rules set out that Crown servants must abide by the Committee's advice¹. 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.

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

The Committee's consideration of the risks presented

5. GMG owns Guardian News & Media - the publisher of the Guardian and Observer newspapers in the UK, theguardian.com, Guardian US and Guardian Australia. As a media outlet, it has a broad relationship with the UK government. As the former Director of Communications at No.10, Ms de Botton's role had some overlap with the company's work. Ms de Botton:
 - had regular contact with journalists from all publications and the media industry, including the Guardian - stating it was a core function of the role in delivering the communications strategy on behalf of the UK government.
 - met with Pippa Crerar, Political Editor of the Guardian on a semi-regular basis to discuss the Prime Minister's priorities. This was a relationship Ms de Botton had for over a decade before joining No.10 in October 2022.
 - had no contact with the corporate management of GMG during her time in post.
 - was not involved in any policy, regulatory or commercial decisions specific to GMG or its competitors.

6. The Cabinet Office told the Committee that whilst it is possible for a No.10 Director of Communications to favour one media outlet over another, there is no evidence she did. Further, her contact with GMG as outlined above was limited to speaking to the Guardian about messaging coming from No.10 - not in relation to decisions on the operation of the GMG or its publications. As such, the Committee ² considered the risk that this role could reasonably be perceived as a reward for decisions or actions in office is low.

7. As the former Director of Communications at No.10, this appointment does generally overlap with Ms de Botton's work in government. There is a risk she may possess information which may be of interest to any employer in media and communications. The Committee agreed with the Cabinet Office that there are a number of mitigating factors that help reduce the risks associated with her access to information:
 - The Prime Minister is ultimately responsible for all UK government decisions, with media policy and regulation the responsibility of the Department of Culture, Media and Sport (DCMS).
 - Ms de Botton's role focussed on communications at No.10, not policy or operational decisions.
 - Ms de Botton's access to information was for the most part about external communications, meaning the vast majority of information she

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

had access to was about information ready to be placed in the public domain at the time or in the relatively near future.

- While she would have been privy to a wide array of sensitive information, any material commercial benefit is limited by the lapse of over eight months since she had last had access. The Cabinet Office considered the currency of any information she had access to some months ago is reduced by the rapid turnover of information in the public domain.
 - Neither the Cabinet Office, nor DCMS are aware of any access to information that would raise particular risks under the Rules.
 - Ms de Botton has vast experience in media and communications dating back more than 15 years; this is a return to her career before joining government for a limited period (11 months).
8. The Committee considered there are risks associated with Ms de Botton's influence and network of contacts in government. Particularly, as she seeks to take up a role that operates in its wider comms and strategy - which could be construed as seeking to influence the UK government on behalf of GMG. This would be contrary to the lobbying ban which applies to all former senior civil servants for two years on leaving office.
9. Ms de Botton said she will not contact the government and it is significant that GMG confirmed that:
- a. it will adhere to the Rules and the conditions of this advice;
 - b. Ms de Botton will not lobby the government whilst subject to the Rules; and
 - c. any lobbying activity would fall to others already employed by the company.

The Committee's advice

10. The Committee considered there are limited risks associated with Ms de Botton's access to information. Whilst there is a general overlap, the company's operation is not directly related to her responsibilities in office, with media policy regulation sitting with other parts of government.
11. Ms de Botton confirmed there will be no lobbying of the government in this role, in line with the expectations set out in the Rules. However, as this is a wide ranging communications role, there is a risk she may be perceived to offer GMG and its publications unfair access to government. Therefore, the Committee's advice is that Ms de Botton should have no direct engagement with the UK government on behalf of GMG. It is significant that GMG have confirmed compliance with this advice.
12. Ms de Botton noted that there may be times that the government wishes to contact GMG- any contact initiated by the government would not be contrary to Rules or the Committee's advice.

13. It is also relevant that Ms de Botton has a career in media and communications that predates her relatively short time in government.
14. The Committee's advice in accordance with the government's Business Appointment Rules is that this role with the **Guardian Media Group** be subject to the below conditions:
- she should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service;
 - for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government or any of its arm's length bodies, on behalf of the Guardian Media Group (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage the Guardian Media Group (including parent companies, subsidiaries, partners and clients);
 - for two years from her last day in Crown service, she should not provide advice to the Guardian Media Group (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; and
 - for two years from her last day in Crown service, she should not initiate engagement with the UK government or its arm's length bodies on behalf of the Guardian Media Group (including parent companies, subsidiaries, partners and clients).
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' 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.
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 Ministerial Code/Civil Service Code or otherwise.

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 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.

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 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. Ms de Botton must inform us as soon as she takes up this work or if it is announced that she will do so. Similarly, she must inform us if she proposes to extend or otherwise change her role with the organisation as depending on the circumstances, it might be necessary for her to seek fresh advice.
19. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee’s website.

Hamzah Rizvi
Committee Secretariat

Annex - Material Information

The role

1. Ms de Botton stated GMG owns Guardian News & Media (GNM) - the publisher of the Guardian and Observer newspapers in the UK, theguardian.com, Guardian US and Guardian Australia. According to its website, GMG plc is a British-based mass media company owning various media operations. The group is wholly owned by the Scott Trust Limited, which exists to secure the financial and editorial independence of The Guardian in perpetuity. The Guardian specifically is part of the News Media Association, a trade body which promotes the interests of news media publishers to government, regulatory authorities, industry bodies and other organisations whose work affects the industry.⁴
2. In her paid full-time role as Chief Communications Officer, Ms de Botton described her responsibilities as:
 - Developing an overall global communications strategy and managing its delivery across the full range of channels.
 - Acting as the GMG’s chief media spokesperson, advising senior leaders and developing a long-term approach to building the company’s position on key issues.

⁴ <https://newsmediauk.org/news-media-association/>

- Developing and delivering a joined-up, proactive and effective internal communications and employee engagement strategy.
 - Acting as a trusted adviser to senior editorial, corporate and commercial leaders across the organisation, advising them on all communications, including the delivery of speeches, presentations, by-lined articles and interviews on the future of GMG's business and the wider global news and media landscape.
3. Ms de Botton said the lobbying restrictions imposed by ACOBA's will not be an issue as her role is to oversee communications as outlined above. She added that she may be asked to provide evidence to parliament on GMG's activities, or government officials may approach her for comment on the industry, given her expertise prior to her time in government.
 4. Ms de Botton applied for an advertised post through an open competition.
 5. Ms de Botton confirmed that she and GMG will ensure she observes any restrictions advised by the Committee in carrying out her duties for the remainder of the period of two years since she left government.
 6. ACOBA contacted GMG to ensure this role could be adequately separated from any lobbying work. GMG provided the following confirmation that:

'The Guardian Media Group is aware of the importance of the Business Appointment Rules (BARs) and compliance with them. GMG Media undertakes that it will require Mrs de Botton to comply with the conditions advised by Acoba under BARs, with particular emphasis on ensuring she does not engage in lobbying of the UK Government during the remainder of the two years after her departure from the Crown service, and it will not form part of her duties. Engagement of this kind with the UK Government will be undertaken by existing GMG colleagues who already hold these responsibilities'.

Ms de Botton's pre government career

7. Ms de Botton previously was Sky News' Deputy Head of Politics, ITV's Head of UK News and Head of Politics before serving as Downing Street's Director of Communications. She stated she has worked in the media industry for over 15 years, with numerous long-standing relationships in the sector that were established before her time in government.

Dealings in office

8. Ms de Botton informed the Committee that she was not involved in policy, commercial or regulatory decisions specific to GMG or its competitors. She stated that media industry policy and drafting media legislation sat with DCMS/DSIT - outside of her remit. She added that she did not have access to sensitive information, commercial or otherwise, specific to the GMG or its competitors.

9. Ms de Botton had regular contact with journalists from all publications and the media industry, including the Guardian, stating it was a core function of the role in delivering the communications strategy on behalf of the UK government. She added that she met with Pippa Crerar, Political Editor of the Guardian on a semi-regular basis to discuss the Prime Minister's priorities. She stated it was a relationship she had had for over a decade before her time at No.10 She stated she had no contact with the corporate management of the Guardian during her time in post.
10. Ms de Botton informed the Committee that had been a member of an expert panel appointed to advise DCMS on the BBC's future funding⁵. Ministers and senior officials may meet panellists on an ad-hoc basis throughout the course of the review. Following the announcement of the General Election, this panel has been paused indefinitely.

Departmental Assessment

11. The Cabinet Office confirmed the details that Ms de Botton provided including that she made no decisions specific to GMG. It also provided the following information:
- The Cabinet Office described the UK government's relationship with GMG:
 - In 2021, the NMA and the UK government formed a three-month advertising partnership to deliver the 'All in, All Together' campaign, which was designed to deliver government communications via a blanket spread across all publications, including the Guardian⁶. The cost to the Cabinet Office was £35 million across all publications⁷.
 - No.10 often approaches news media organisations in order to achieve its communications strategies. This may include direct contact with journalists, briefings, and publications. The government may respond to petitions, campaigns, or opinion pieces that are led or hosted by GMG.
 - GMG also owns Guardian Jobs which often receives contracts from UK government departments to promote jobs within the Civil Service. These include:
 - a. Crown Commercial Service – £20,000 contract, 2016
 - b. Ofqual – £13,494 contract, 2021
 - c. Historic England – £14, 625 contract, 2023
 - d. National Audit Office – £28,800 contract, 2023

12. The Cabinet Office confirmed Ms de Botton did not have access to sensitive or commercially confidential information specific to GMG or its competitors. It added the following:

⁵ <https://www.gov.uk/government/news/expert-panel-appointed-to-advise-on-the-bbcs-future-funding>

⁶ <https://newsmediauk.org/blog/2020/04/17/government-partners-with-newspaper-industry-on-covid-19-ad-campaign/>

⁷ <https://www.bbc.co.uk/news/uk-politics-67295800>

- It is theoretically possible for a No 10 Director of Communications to favour a particular media outlet by sharing greater information or showing preferences, but it had no evidence this was the case. Further, as Ms de Botton applied through a competition for the role, the Cabinet Office considers the risk of a perception of reward for actions in office is mitigated.
- Ms de Botton would have been privy to a wide array of sensitive information but that any material commercial benefit is limited by the lapse of over eight months since her time in office. Also, the currency of any such information is typically reduced by the rapid turnover of information in the public domain.
- Ms de Botton has a long career within news media at the executive level. This appointment would most likely be seen as a continuation of that career.

13. DCMS were consulted and stated the role would require an updated disclosure in its expert panel appointed to advise on the BBC's future funding - which has an existing conflicts of interest process. Otherwise it flagged no cause for concern with Ms de Botton's proposed appointment. As the panel's Terms of Reference set out, members are appointed on the basis of their personal experience and not as representatives of organisations/employers. Panel members are permitted to hold professional roles in relevant and adjacent sectors (including news and media) at the same time as serving as a panel member. DCMS has confirmed that, following the announcement of the General Election, the panel has been paused indefinitely.

14. The Cabinet Office recommended the standard conditions would be sufficient to mitigate the potential risk of unfair influence in this case.