

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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July 2024

BUSINESS APPOINTMENT APPLICATION: Mr Mike Freer, former Parliamentary Under Secretary of State for the Ministry of Justice. Paid application to work with Advinia Healthcare Ltd.

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 Non Executive Director for Advinia Healthcare Ltd (Advinia).
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 Advinia. 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. In your capacity as an MP, you attended a meeting held at Advinia in your constituency as well as set up a meeting between the Chairman of Advinia and the Minister for Social Care . The Ministry of Justice (the MOJ) confirmed there is no known overlap with your responsibilities as a minister and the work of Advinia, and you were not involved in any decisions specific to the company whilst in office. Therefore, the Committee¹ considered the risk this appointment could reasonably be perceived as a reward for decisions made or actions taken in office is low.
6. As a former minister, there are inherent risks associated with your access to privileged information and knowledge. However, the MOJ confirmed there is no direct overlap with your role in government and the department did not have any concerns regarding your access to information.
7. The Committee noted that Advinia operates in a sector that is regulated by the government and evolving government policy on social care is of particular relevance to the company. As such, there is a risk that your time in office, including your contacts and influence, could be seen to offer Advinia an unfair access to government. You confirmed that your proposed role would not involve any contact with the government and under the Rules, former ministers are prevented from lobbying.

The Committee's advice

8. The Committee did not consider this appointment raises any particular concerns under the government's Rules. The standard conditions below appropriately mitigate the risks associated with drawing on privileged information and making improper use of contacts and influence within government to the unfair advantage of Advinia.
9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Advinia Healthcare Ltd** 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 or its arm's length bodies

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

on behalf of Advinia Healthcare Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Advinia Healthcare Ltd (including parent companies, subsidiaries, partners and clients); and

- for two years from your last day in ministerial office you should not undertake any work with Advinia Healthcare Ltd (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.

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' Interests². 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 Ministerial Code or otherwise.

12. The Business Appointment Rules explain that the restriction on lobbying means that you "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 you take up employment with this organisation(s), or if it is announced that you will do so. Please 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.

² 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.

14. Once the appointment(s) 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. According to its website, Advinia is a residential care home provider that has specialties in dementia, nursing care, respite and palliative care.
2. You wish to take up a part-time, paid role as a Non Executive Director. You said that your responsibilities would include:
 - providing independent judgement and advice on the company's strategic plans;
 - supporting the executive team in operational implementation;
 - offering insights into market trends and the regulatory and government environment;
 - advising on corporate governance;
 - acting as sounding board for the board and executive team; and
 - attending and contributing his expertise to monthly board meetings to guide strategic decisions.
3. You confirmed your role will not involve contact with government.
4. You stated in your capacity as constituency MP, you developed a working relationship with the Chairman of Advinia.
5. You stated prior to your time in government, your background as Leader of Barnet Council provided a general knowledge of the local social care sector and the (then) regulatory framework. He also stated you have a background in financial services and operational improvement – skills that may assist the Board of Advinia.

Dealings in office

6. You advised the Committee that in your capacity as a constituency MP, you attended a meeting held at Advinia & you set up a meeting between the Chairman of Advinia and the Minister for Social Care, to discuss social care policy and developments in the sector. You stated you did not attend the meeting.
7. You added that you were not involved in regulatory, policy or commercial decisions, nor did you possess sensitive information specific to Advinia.

Departmental Assessment

8. The MOJ confirmed the details provided in your application, noting:
 - you met with Advinia in December 2023 as a constituency MP, though you were not involved in any decisions specific to Advinia; and
 - you do not possess sensitive information specific to Advinia that could provide an unfair advantage.
9. The MOJ did not have concerns with your appointment and recommended the standard conditions.