

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

September 2024

BUSINESS APPOINTMENT APPLICATION: The Rt Hon Sir Jake Berry, former Minister Without Portfolio. Paid appointment with Fullbrook Strategies.

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) on your role as General Counsel with Fullbrook Strategies.
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 you made during your time in office, alongside the information and influence a former minister may offer Fullbrook Strategies. 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 this appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the newsletter under the Rules.
4. The Rules¹ set out that former minister must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers 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. Fullbrook Strategies is an international PR, crisis management, and political campaigns company. As General Counsel, you stated you will be advising Fullbrook Strategies in contractual, commercial and management matters. The Cabinet Office confirmed you did not have involvement in any decisions specific to Fullbrook Strategies. The Committee² 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, which could unfairly benefit any organisation, commercial or otherwise. There are several mitigating factors which limit the risks associated with your access to information:
 - the Cabinet Office confirmed there was no direct overlap with your time in office and considered the risk associated with your access to information was low;
 - you were most recently in post as Minister Without Portfolio for seven weeks and have been out of office for over 21 months, reducing the currency of the sensitive information you may possess;
 - you were a practising solicitor 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 SRA Standards and Regulations, legal professional privilege and client confidentiality where relevant and the rules and principles which apply to all former ministers.
7. Fullbrook Strategies lobbies on behalf of its clients, therefore the nature of the company presents significant risks in relation to your potential influence and access to the government. In particular, given the lobbying ban that applies for two years to all former ministers on leaving office. The Committee therefore consulted with the employer to confirm that your role would be separated from its lobbying activities, as you have described.
8. The unknown nature of Fullbrook Strategies' clients means that it is difficult to determine the precise work you will undertake. There is a risk you may be asked to advise on matters that have overlap with your responsibilities in office, or with companies you had specific involvement with in office.

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; David Konotey-Ahulu CBE DL; Sarah de Gay; The Rt Hon Lord Pickles; Michael Prescott; and Mike Weir.

The Committee's advice

9. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information or influence gained from your time in ministerial service to the unfair advantage of Fullbrook Strategies and/or its clients.
10. Alongside the standard conditions the Committee has imposed a restriction which makes it clear that in your role with Fullbrook Strategies, you should not advise on work that arises where it relates to matters you had a specific role in developing or determining during your time as Minister Without Portfolio.
11. The Committee considered it significant that Fullbrook Strategies confirmed there will be no lobbying of the government in this role, in line with the expectations set out in the Rules. Further, your contract will reflect that.
12. The Committee advises, under the government's Business Appointment Rules, that this appointment as General Counsel with **Fullbrook Strategies**, should 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 government or its arm's length bodies on behalf of Fullbrook Strategies (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial service to influence policy, secure business/funding or otherwise unfairly advantage Fullbrook Strategies (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not undertake any work with Fullbrook Strategies (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 government or its arm's length bodies; and
 - for two years from his last day in ministerial office, your role with Fullbrook Strategies should be limited to providing advice on matters that do not conflict with your time as Minister Without Portfolio. This includes not advising Fullbrook Strategies and/or its clients on specific matters in which you were personally involved.

13. 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.
14. 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.
15. 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.*"
16. You must inform us as soon as you take up this role, or if it is announced that you will do so. You must 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.
17. 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

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.

The role

1. According to its website, Fullbrook Strategies is an international PR, crisis management, and political campaigns company. The company provides high level advice to people / companies who have complex problems, both in the UK and internationally, and of a political and non-political nature. For political problems, the company has provided advice on how the government operates and/or helps clients directly connect with the relevant political stakeholders. Fullbrook Strategies had been registered as a consultant lobbyist since June 2022.
2. In your paid, part-time role as General Counsel, you stated your role will be advising in contractual, commercial and management matters. You stated you will, on occasion, advise clients on legal structuring. You confirmed your role will not involve contact with government.
3. Fullbrook Strategies confirmed it will ensure you observe the restrictions advised by the Committee in carrying out your duties for the remainder of the period of two years since you left government. Fullbrook Strategies stated that your employment contract will both preclude you from lobbying on behalf of Fullbrook Strategies or any of its clients and also contain a clause reflecting the terms of the company's standard contract making it clear that, in all cases, the advice and guidance of ACOBA will be legally paramount for the period of his employment to which the ACOBA advice applies:

'Where any of the staff (referred to in schedule 2) provided by FSL to the Client are subject to advice and authorisation provided by the government Advisory Committee on Business Appointments (ACOBA), the Services will be provided in compliance with such advice and only provided after such advice has been received and approved by FSL. For the avoidance of doubt where the terms of this Agreement and the advice and authorisation provided by ACOBA come into to conflict the advice and authorisation provided by ACOBA shall be paramount.'

4. You stated you have been practising as a solicitor for over 22 years.

Dealings in office

5. You advised the Committee you did not meet with Fullbrook Strategies whilst in office. You said you did not have any involvement in policy, regulatory or commercial decisions that would have been specific to the company.

Departmental Assessment

6. The Cabinet Office confirmed the details you provided, confirmed that it did not have specific concerns regarding your access to information and recommended the role be approved subject to the standard conditions.