



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

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**BUSINESS APPOINTMENT APPLICATION: Julian Braithwaite GMG, former Director General, Organised Immigration Crime Directorate, Home Office. Previously, the Director General for Europe at the Foreign, Commonwealth and Development Office. Unpaid appointment with Prisoners Abroad.**

1. Mr Braithwaite 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 Prisoners Abroad, as a Trustee.
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 Mr Braithwaite's time in office, alongside the information and influence a former Crown servant at the FCDO may offer the charity: Prisoners Abroad. 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 advice.<sup>1</sup> 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.

The Committee's consideration of the risks presented

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<sup>1</sup> 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.

5. When considering this application, the Committee<sup>2</sup> took into account this appointment as Trustee is unpaid<sup>3</sup>. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of government by considering the real and perceived risks associated with former Crown servants joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. There is an established funding relationship between the Foreign, Commonwealth and Development Office (FCDO) and Prisoners Abroad. Mr Braithwaite did have contact with Prisoners Abroad when he was the FCDO's Consular Director in 2008-11 which is 13 years ago, but had no contact in any of his recent roles in office. The FCDO and the Home Office confirmed that Mr Braithwaite did not make any policy or commercial decisions specific to Prisoners Abroad.
7. As a former senior Crown servant, Mr Braithwaite would have had access to a range of sensitive information. The FCDO and Home Office confirmed that it does not consider his access to information to provide Prisoners Abroad with an unfair advantage.
8. There are some risks associated with a former senior Crown servant with a background at the FCDO and the Home Office - in relation to the influence and access to government this may be seen to provide. The risks are low in this unpaid role as a Trustee with a charity that is already a stakeholder in receipt of government funding.

#### The Committee's advice

9. The Committee considered the risks associated with Mr Braithwaite's access to sensitive information and possible influence and contacts, would be appropriately mitigated by the standard conditions below. These seek to prevent him from drawing on privileged information, contacts and influence to the unfair advantage of Prisoners Abroad.

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

<sup>3</sup>By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

10. The Committee advises, under the government's Business Appointment Rules, that Mr Braithwaite's role with **Prisoners Abroad** should be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from her time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of Prisoners Abroad (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Prisoners Abroad (including parent companies, subsidiaries, partners and clients); and
- for two years from his last day in Crown service, he should not provide advice to Prisoners Abroad (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.

11. 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>4</sup>. 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.

12. 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.

13. 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>4</sup> 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.

*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’.*

14. Mr Braithwaite must inform us as soon as he takes up employment with this organisation, or if it is announced that he will do so. He must also let us know if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
15. 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.

Yours sincerely,

Xante Chalwell  
**Committee Secretariat**

## **Annex - Material Information**

### The role

1. Mr Braithwaite said that Prisoners Abroad is a charity that is dedicated to supporting British nationals in prisons abroad and on return to the UK and their families.
2. According to its website:
  - it provides advice and support to both Britons in prison abroad and their families in the UK;
  - It sends emergency grants to Britons in prison overseas for food, toiletries and basic human necessities;
  - offers advice and support to British ex-prisoners returning to the UK, as part of its resettlement service including emergency grants; and
  - offers a range of services for families including national support groups.<sup>5</sup>

Mr Braithwaite said that his role as a Trustee will focus on the non-executive oversight of governance issues and he will become of the governance committee. Mr Braithwaite that his role would not involve any contact or dealings with government.

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<sup>5</sup> <https://www.prisonersabroad.org.uk/>

### Dealings in office

3. Mr Braithwaite confirmed that:
  - a. he had contact with Prisoners Abroad when he was the FCDO's Consular Director in 2008-11 which is 13 years ago, but had no contact in any of his subsequent roles in office;
  - b. he made no decisions specific to the Prisoners Abroad;
  - c. he had no access to sensitive information that could unfairly advantage Prisoners Abroad; and
  - d. there is a funding relationship between Prisoners Abroad and the FCDO but not with his most recent department, the Home Office.

### Departmental Assessment

4. The Home Office and FCDO confirmed the details provided by Mr Braithwaite.
5. The FCDO confirmed he did not make any policy or commercial decisions specific to Prisoners Abroad.
6. The FCDO added that it does provide grant funding to Prisoners Abroad through its consular partnership program.
7. The Home Office and FCDO recommended standard conditions.



