

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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February 2025

BUSINESS APPOINTMENT APPLICATION: The Rt Hon Victoria Prentis KC, former Attorney General. Unpaid appointment with Advocates for International Development.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up an unpaid role as a Trainer for Advocates for International Development.
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 Advocates for International Development as the former Attorney General. The material information taken into consideration by the Committee is set out in the annex below.
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. When considering this application, the Committee¹ took into account this appointment as a trainer is unpaid.² 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 ministers 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, 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 are inherent risks associated with any former minister's access to information, network of contacts and influence in government. As a former Attorney General, there is a broad overlap between your skills and experience and your proposed role with Advocates for International Development. As Attorney General you had access to privileged information but you will not have any contact with government. Further, 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, the Bar Standards Board Code of Conduct, and the rules and principles which apply to all former ministers.

The Committee's advice

7. The Committee considered that the risks in this application can be sufficiently mitigated by the standard conditions below, which seek to prevent you from making improper use of privileged information, contacts and influence to the unfair advantage of the organisation.
8. Therefore, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Advocates for International Development** 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;

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

² 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.

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arms' length bodies on behalf of Advocates for International Development (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 Advocates for International Development (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 Advocates for International Development (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 arms' length bodies.
9. 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.³ 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.
10. 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.
11. 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'*.

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.

12. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website. You must 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.
13. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website

The Rt Hon Lord Pickles

Annex - Material Information

The role

1. Advocates for International Development is a company limited in England and Wales and a registered charity. It matches together legal partners (law firms, companies and barristers' chambers) with development partners (NGOs, developing country governments, small civil society groups) to help provide free access to legal advice. It also partners with law firms, academic institutions and development organisations to perform research and policy work. Advocates for International Development is in part funded by the Foreign, Commonwealth & Development Office.
2. You wish to take up a part-time, unpaid role as Trainer at Advocates for International Development. You said that your role would involve:
 - delivering training to Ukrainian lawyers in locations in Poland to help them to prosecute, defend and judge war crimes;
 - delivering one training session per month; and
 - no contact with government.

Dealings in office

3. You said that you did not make any policy, regulatory or commercial decisions specific to Advocates for International Development. While you note you had access to sensitive information as Attorney General, you do not consider this would grant unfair insight/advantage. You confirmed there was no relationship between Advocates for International Development and the Attorney General's Office (AGO), and that you had no contact with the organisation in your capacity as a minister. Although the FCDO funds Advocates for International Development, you said you were not aware of this.

Departmental assessment

4. The AGO confirmed you were not involved in any regulatory or policy decisions that could unfairly advantage Advocates for International Development.
5. The AGO stated you had access to confidential and legally privileged information which if disclosed inappropriately could be considered to offer an unfair insight/advantage to Advocates for International Development. The AGO also stated you may have met with competitors of Advocates for International Development.

6. The AGO recommended the standard conditions to appropriately mitigate the risk relating to the access and use of any sensitive information you may possess. It also noted:

'In addition to legal privilege, Law Officers' advice is subject to the Law Officers' Convention, which provides that neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent.'