



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Baroness Gray of Tottenham CBE, former Chief of Staff, Prime Minister's Office. Paid appointment with Consello UK Limited.

1. Baroness Gray sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Crown Servants (the Rules) on a paid role as Chair of Consello UK Limited (Consello).
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 Baroness Gray's time in office, alongside the information and influence a former Crown servant may offer Consello. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to government associated with this appointment under the Rules. The Committee's advice is not an endorsement of this application in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. 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. Consello is a new UK business, with its parent company, The Consello Group, based in the US. It operates as a financial services company split into two main businesses – advice and investments. It provides advice to organisations on solutions, growth, experience, finance, technology and sports and entertainment. Its investment arm, Consello Capital, identifies high-potential mid-market companies and invests capital and expertise to transform their growth.
6. As Chief of Staff to the Prime Minister, Baroness Gray would undoubtedly have had some involvement in a range of policy matters and decisions made by the government during her time in post. Baroness Gray did not meet with Consello nor did she make any decisions specific to the company as Chief of Staff. Therefore, the Committee² considered the risk this appointment could reasonably be perceived as a reward for decisions made or actions taken in office is low.
7. Given Baroness Gray's former role as the most senior adviser to the Prime Minister, the breadth of her work would have given her general insight and access to sensitive information at the heart of government. This could potentially be of benefit to any number of organisations, including Consello. The Committee considered the below factors limited this risk:
 - it has been six months since she left office, providing a gap between her access to information and her appointment and reducing the currency of her information. This gap has also coincided with international developments that have significantly impacted the government's policy direction; and
 - the Cabinet Office is not aware of any specific information Baroness Gray had access to that is likely to confer an unfair advantage to Consello.
8. There remains a risk, given the government administration has not significantly changed since she left office and in light of the range of information she may have had access to. It is hard to demonstrate that Baroness Gray no longer has any relevant information that could offer an unfair insight to Consello or its clients. The risk regarding Baroness Gray's access to information is greatest should she advise Consello or its clients in relation to matters she had specific responsibility for. Further, the company's clients and the precise pieces of work she will be asked to undertake are unknown, which raises the risk of giving such advice.

² This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; Michael Prescott; and The Baroness Thornton. Andrew Cumpsty was not available.

9. There is also a risk that Baroness Gray might be seen to offer unfair access to, and influence within, No.10 and wider government for Consello. Baroness Gray confirmed her work with Consello excludes any lobbying of the UK government – which all former senior Crown servants are prevented from doing for two years under the government's Rules. As Consello is establishing its business in the UK and is involved in various sectors and markets, it would be difficult to mitigate the risk associated with any contact she might have with government; and it would likely be perceived as lobbying.
10. As Chair, Baroness Gray's proposed role involves providing strategic oversight and direction to establish the business in the UK. There is a risk of unfair advantage to Consello, should Baroness Gray draw specifically on private sector contacts only gained as a result of her role at No.10 - to develop its business.

The Committee's advice

11. The Committee determined the risks identified can be appropriately mitigated by the conditions below.
12. The Committee has imposed a restriction which makes it clear that Baroness Gray must not advise on work that arises where it relates to matters she had a specific role in developing or determining during her time at No.10. This is to help mitigate the risk associated with advising unknown clients in areas which may overlap with her recent time in government service.
13. Whilst it is not her intention, the Committee has also imposed a condition which prevents her from initiating any engagement with the UK government on behalf of her new employer and its clients. That is to prevent any reasonable concern that the company and/or its clients is granted unfair access of influence within government as a result of her role as Chief of Staff.
14. The remaining conditions below make it clear that Baroness Gray must not make use of privileged information, contacts or influence gained from her time in Crown service to the unfair advantage of Consello.
15. It is significant that Consello confirmed its adherence with the Committee's advice and in particular the conditions set out below.
16. The Committee advises under the government's Business Appointment Rules, that Baroness Gray's appointment with **Consello UK Limited** 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 Consello UK Limited (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 Consello UK Limited (including parent companies, subsidiaries, partners and clients);
- for two years from her last day in Crown service, she should not provide advice to Consello UK Limited (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;
- for two years from her last day in Crown service, she should not advise Consello UK Limited (including parent companies, subsidiaries, partners and clients) or its clients on any work with regard to any policy she had specific involvement in or responsibility for as Chief of Staff at No.10 Downing Street nor where she had a relationship with the relevant client during her time in her role;
- for two years from her last day in Crown service, she should not become personally involved in lobbying contacts she developed during her time in Crown service in other governments and organisations for the purpose of securing business for Consello UK Limited (including parent companies, subsidiaries and partners); and
- for two years from her last day in Crown service, she should not have any engagement on behalf of Consello UK Limited (including parent companies, subsidiaries, partners and clients) with the UK government.

17. The advice and the conditions under the government's Business Appointment Rules relate to Baroness Gray's 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. Baroness Gray is reminded

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.

that, as a Member of the House of Lords, she is prevented from any paid lobbying under the House of Lords Code of Conduct. 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.

18. 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.
19. 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.'*
20. Baroness Gray 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.
21. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours sincerely,

Samantha Ria Shahriar
Committee Secretariat

Annex – material information

The role

1. Consello UK Limited (Consello) is a new UK business. Its parent company is US based The Consello Group, which has also established a business in Ireland. It operates as a financial services company split into two main businesses – advice and investments. Its advisory services encompass six divisions which provide advice to organisations on solutions, growth, experience, finance, technology and sports and entertainment. Its investment arm, Consello Capital, identifies high-potential mid-market companies and invests capital and expertise to transform their growth.
2. In her paid, part-time role at Chair, Baroness Gray stated that her responsibilities will be to provide strategic oversight and direction to establish the business in the UK, with this being entirely focussed on the private sector. She also confirmed she would have no contact with, or lobbying of government in this role
3. Consello confirmed in writing its understanding of, and agreement to comply with, the Committee's advice.

Dealings in office

4. Baroness Gray said she had no involvement in policy, contractual and/or commercial decisions specific to Consello. She also said that she did not have official dealings/ contact with Consello during her time in service and that the Cabinet Office does not have a relationship with the company.

Departmental assessment

5. The Cabinet Office confirmed that Baroness Gray made no regulatory, commercial or policy decisions specific to Consello. ACOBA notes that though she would not have had any executive responsibility, she would have been involved in decision making processes and policy development, which could have had an impact on Consello and/or its clients.
6. The Cabinet Office confirmed that Baroness Gray did not have contact with Consello during her time in government, and that it does not have a relationship with Consello – though it is not aware if any of its clients have been awarded any contracts with the government.
7. The Cabinet Office stated that as Chief of Staff to the Prime Minister, Baroness Gray will have been privy to a wide range of sensitive information

given her work at the centre of government. Therefore, there is some risk, real or perceived, of her retaining some privileged information of the inner workings of government. However, it said that this risk is somewhat diminished given she has been out of service for 6 months; there have been international developments which have changed the direction of policy/ policy thinking; and given the focus of the business is in the private sector, it is unlikely that any information she has will be useful. The department also confirmed that Baroness Gray did not have access to information specific to Consello.

8. The department also recognised that Baroness Gray would have contacts across the highest levels of government which could be of benefit to any organisation, including Consello. Further, it considered that given it is not clear which clients use Consello's advisory services and the companies which constitute its investment portfolio, there is a real or perceived risk that Baroness Gray may advise Consello and/or its clients on matters which overlap with her time in office.
9. The Cabinet Office recommended that further to the standard conditions, a three month waiting period be applied (now expired). It also recommended a reminder of her lifelong duty to maintain confidentiality of any retained knowledge of privileged information gained during her time in service, and the use of official channels to contact government.