



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lieutenant General Sir Nick Borton KCB DSO MBE, former Commander of the Allied Rapid Reaction Corps (ARRC), Ministry of Defence. Paid appointment with PA Consulting Services Ltd.

1. Lieutenant General Sir Nick Borton KCB DSO MBE (Lt Gen Sir Nick) approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for former Crown servants (the Rules) seeking advice on taking up an appointment with PA Consulting Services Ltd (PA Consulting) as a Strategic Adviser.
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 Lt Gen Sir Nick's time in office, alongside the information and influence he may offer PA Consulting. 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 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. Whilst Lt Gen Sir Nick's former department, the Ministry of Defence (MOD), has contractual relationships with PA Consulting, he had no involvement and made no policy, regulatory or commercial decisions that specifically affected PA Consulting. Therefore, the Committee² considered the risk that this role could be seen as a reward for Lt Gen Sir Nick's decisions in office, is low.
6. PA Consulting operates within the defence sector, amongst others. There is a risk that Lt Gen Sir Nick may have, or be seen to have, access to general information on defence matters. However, there are a number of mitigating factors in relation to his access to sensitive information:
 - Lt Gen Sir Nick's access to information was limited to the operation and training of ARRC troops – ensuring readiness and the discharge of operational tasks, as directed by higher command headquarters in UK NATO. He was not responsible for leading on the development of overall UK or NATO military strategy or plans;
 - his operational focus was on the response to the war in Ukraine and focused on deterrence in Europe, which is a fast-moving conflict area;
 - Lt Gen Sir Nick said that he did not have access to sensitive information, despite sitting on operational boards within ARRC, and noted that much information is readily available through Janes – a platform for global open-source defence intelligence;
 - the MOD is not aware of any access to information that could unfairly advantage the company;
 - there will have been more than a nine-month gap between Lt Gen Sir Nick's operational role and access to information, and his role with PA Consulting.
7. Given that PA Consulting's clients and the precise pieces of work that Lt Gen Sir Nick will undertake with are unknown, there is a risk he may be asked to advise on its defence and security work which could unfairly draw on his insight and influence from his time as Commander of the Allied Rapid Reaction Corps.
8. Lt Gen Sir Nick has gained contacts within the UK and internationally – including within other government and their militaries. As such, there is a risk his network and influence might be used to assist PA Consulting unfairly. The Committee notes it is not his intention to have contact with the MOD in this role, though there remains a significant risk it could be perceived that Lt Gen

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

Sir Nick offers PA Consulting unfair access to the UK MOD and contacts in other governments/defence contractors that it might not otherwise have.

The Committee's advice

9. The Committee noted the mitigating factors above that help to reduce the risks associated with Lt Gen Sir Nick's access to information. There is potential for his work with PA Consulting and its clients to overlap with his access to information and responsibilities in the UK and internationally. The Committee agreed with the MOD he should be prevented from working in the UK defence sector, and on matters he was specifically involved with in office, to prevent any direct overlap with his responsibilities in office.
10. Lt Gen Sir Nick confirmed that he will not have contact with the UK government or the MOD in this role. To prevent any reasonable suspicion of unfair influence, the Committee has advised that this be a condition on his employment that he have no direct engagement with the MOD. It is significant that PA Consulting has confirmed his separation from its work on UK defence matters, including contact with the UK government/UK MOD.
11. The remaining conditions below prevent Lt Gen Sir Nick from making improper use of privileged information, contacts and his influence to the company's unfair advantage.
12. The Committee advises, under the government's Business Appointment Rules, that Lt Gen Sir Nick's role with **PA Consulting Services Ltd** 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 his 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, MOD or NATO allied militaries or their arm's length bodies on behalf of PA Consulting Services Ltd (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage PA Consulting Services Ltd (including parent companies, subsidiaries, partners and clients);
 - for two years from his last day in Crown service, he should not provide advice to PA Consulting Services Ltd (including parent companies, subsidiaries or partners) on the terms of, or with regard to the subject matter of, a bid or

contract with, or relating directly to the work of the UK government, the MOD and its trading funds, NATO allied militaries or their arm's length bodies;

- for two years from his last day in Crown Service, he should not advise PA Consulting Services Ltd or its clients on the UK defence market; and he must not directly engage with the UK MOD/UK government or its arm's length bodies on PA Consulting Services Ltd's behalf (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service, he should not provide advice to PA Consulting Services Ltd on work with regard to any policy or operational matter he had specific involvement with or responsibility for in his role as Commander, NATO Allied Rapid Reaction Corps or where he had a relationship with the relevant client; and
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during his time in office in external organisations (including other governments and their militaries) for the purpose of securing business for PA Consulting Services Ltd (including parent companies, subsidiaries and partners).

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 Ministerial Code/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*

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.

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. Lt Gen Sir Nick must inform us as soon as he takes up this work or if it is announced that he will do so. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.
17. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours sincerely,

Jess Barrow
Committee Secretariat

Annex- material information

The role

1. PA Consulting is a professional services firm that works with public, private and third-sector organisations. PA Consulting provides services across various industries: Consumer and manufacturing, defence and security, energy and utilities, financial services, government and public services, health, life sciences, and transport. PA Consulting has contractual relationships across government, including the UK MOD.
2. Lt Gen Sir Nick wishes to take up a paid, part-time role as a Strategic Advisor. He said he will:
 - support and advise PA Consulting as it writes and implements strategies for increasing its business in the US, Australia and European countries
 - provide advice to PA Consulting's SME clients as they look to write their own strategies and scale up
 - his terms of employment will be based on only one day a week's work
 - not have contact with government
3. Lt Gen Sir Nick confirmed his role as Strategic Adviser with PA Consulting will comply with ACOBA's advice whilst he is under the Rules.

Dealings in office

4. Lt Gen Sir Nick said that he did not meet with PA Consulting in office; nor did he make any policy, regulatory, commercial or operational decisions specific to the organisation.

Departmental assessment

5. The MOD confirmed that Lt Gen Sir Nick's role in service was operationally focussed and mainly based on the response to the war in Ukraine. The MOD said that Lt Gen Sir Nick did not make any policy, regulatory or operational decisions specific to PA Consulting in office.
6. The MOD said PA Consulting is amongst the larger consulting companies that support the MOD as management consultants. It will have multiple live contracts at any given stage with many different areas in defence. Lt Gen Sir Nick was not involved in any procurement exercise which involved PA Consulting, any decisions over contracts or tenders related to PA Consulting, including the selecting and awarding of such contracts.
7. The MOD said Lt Gen Sir Nick did not have any direct involvement in any of the MOD's relationships with companies and organisations operating in the same area of management consultancy capability as PA Consulting.
8. The MOD said because Lt Gen Sir Nick's role with PA consulting is focussed in business development, suitable restrictions will need to be put in place to prevent Lt Gen Sir Nick's use of contacts to the unfair advantage of PA Consulting. However, it noted that his network is not beyond that of any other senior military officer.
9. The MOD suggested standard conditions and:
 - for two years from his last day in Crown service, he should not advise PA Consulting or their clients on the UK defence sector.
 - for two years from his last day in Crown service, he should not provide advice to PA Consulting on work with regard to any policy or operational matter he had specific involvement with or responsibility for in his most recent MOD role.
 - for two years from his last day in Crown Service, he should not engage or make any use of his contacts developed in Crown service, including contacts he has developed in NATO to influence policy, secure business/funding or otherwise unfairly advantage PA Consulting over its competitors.