



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Vice Admiral Paul Bennett CB OBE, former Chief of Staff to the Supreme Allied Command Transformation at NATO, the Ministry of Defence. Commission with Systematic under his Independent Consultancy.

1. You 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 taking up a commission with Systematic under your independent consultancy. The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer Systematic, based on the information provided by you and your former department.
3. The Committee considered whether this commission was unsuitable given that Systemic operates in the defence market, overlapping with your time in office. The Committee also considered the information provided by the Ministry of Defence (MOD).
4. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this commission in any other respect.

5. 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.

The Committee's consideration of the risk presented

6. You said that you would provide strategic advice to Systematic, focused internally on helping to shape the strategic direction of the company. This commission falls within the scope of your consultancy which you described as a vehicle to provide strategic advice to organisations, including within the defence sector. Within the defence sector you said that it would focus on the '*...contemporary operating environment*' and international defence matters including strategic planning, training and exercises.
7. You had no official dealing with Systematic in office, though it does operate within defence, and other sectors. The company has an existing contract with the MOD (via the British Army's 3rd Division and the Allied Rapid Reaction Corps). It has no relationship with NATO, though it does have contracts with some of NATO's allied forces. The MOD confirmed that you had no involvement with the MOD contract which was outside your responsibilities as a NATO officer; and were not responsible for contracts with NATO allied forces – which are decisions for each nation individually. Therefore, the Committee² considered the risk of this work being offered as a reward for decisions made, or actions taken in office, is low.
8. The Committee took into account that there is an overlap with your time in office. The Committee noted there are a number of mitigating factors that help to reduce the risks associated with your access to information and insight that may be seen to offer Systematic an unfair advantage:
 - you are prevented from drawing on privileged information from your time in office and have an ongoing duty of confidentiality;
 - the MOD had no concerns in respect of your access to information at the UK MOD for the last 4 years whilst you were serving within NATO;
 - the MOD and NATO did not consider there are any specific risks associated with your access to sensitive information whilst you were at NATO; and

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code.

² This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doherty; Sarah de Gay; Susan Liautaud; The Rt Hon Lord Eric Pickles; Richard Thomas; Mike Weir; and John Whitty.

- you left your NATO role 10 months ago, and left government 4 months ago, reducing the likelihood that any privileged information you had access to is sufficiently up-to-date.
- 9. Systematic's clients are unknown. Although your role is internally focused, the Committee considered that there is a risk you may be asked to advise in relation to clients who were affected by matters that relate to areas you had direct involvement in, or in respect of clients you had a relationship with whilst in Crown service.
- 10. There is also a risk associated with your potential influence should Systematic be seen to make improper use of your privileged network gained as a result of your time in office. This includes your contacts in the UK government, including the UK MOD and NATO and its allied nations' governments / militaries.

The Committee's advice

11. The Committee determined that the majority of the risks above can be appropriately mitigated by the conditions that apply to your independent consultancy. These conditions make it clear that you cannot make use of your access to information or influence gained from your time in Crown service to the unfair advantage of Systematic and the companies it works with.
12. As Systematic's clients are unknown, the Committee also imposed a further condition – that you should not advise on work with regard to any policy you had specific involvement or responsibility for during your time at NATO.
13. The Committee advises, under the Government's Business Appointment Rules, that your **commission with Systematic** be subject to the conditions of your consultancy listed below, alongside an additional condition as per paragraph 14:
 - 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 Crown service;
 - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government (including the UK MOD) and its arms' length bodies, nor NATO and its allied nations' governments / militaries, on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service, the UK MOD or NATO to influence policy, secure business/funding or otherwise unfairly advantage those you advise under your independent

consultancy (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in Crown service you should not provide advice to any company or organisation 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 (including the UK MOD) and its arms' length bodies, nor NATO and its allied nations' governments / militaries;
- for two years from your last day in Crown service, you should not become personally involved in lobbying contacts you have developed during your time in office and in other governments and organisations for the purpose of securing business for your independent consultancy and its clients; and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

14. In addition, the Committee has imposed the following condition on this work with Systematic:

- for two years from your last day in Crown service, you should not advise Systematic (including parent companies, subsidiaries, partners and clients) on work with regard to any policy or operational matter you had specific involvement or responsibility for at NATO, or where you had a relationship with the company or organisation during your time at NATO.

15. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is your personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.

16. 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.

17. 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*'. This Rule is separate and not a replacement for the Rules in the House.
18. 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. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
19. You must inform us if you propose to extend or otherwise change the nature of this commission as, depending on the circumstances, it may be necessary for you to make a fresh application.
20. Once the commission has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours Sincerely,

William Young
Committee Secretariat

Annex - material information

The role

1. You said that you have been offered a paid, part-time commission with Systematic as a Senior Defence Advisor. You said you would provide strategic advice to Systematic. You said your role would be focused internally on helping to shape the strategic direction of the company.
2. You described Systematic as offering IT solutions for the military, police and healthcare sectors. On Companies House the nature of Systematic's business is described as information technology consultancy activities. The company's website says its mission is to deliver IT solutions that make it simpler for users to make crucial decisions in demanding situations. It works in six core business areas: Defence, Intelligence & National Security, Digitalisation, Healthcare, Library & Learning and Renewables & Utilities.
3. You said that Systematic has a small contract with the British Army's 3rd Division. This is for the provision of licences for the Command and Control system at its HQ. You said Systematic has supported the Allied Rapid Reaction Corps for exercise Arcade Fusion 20. You said Systematic also has existing contracts with several NATO nations, but not with NATO itself.
4. You said you might have some contact with MOD personnel at seminars and conferences where you would be present in an ambassadorial role, but not in any contract negotiation.

Dealings in office

5. You advised the Committee you did not meet with the Systematic or its competitors whilst in office. You said that you were responsible for strategy, communications, links with other NATO entities and the internal workings of the HQ. You said the HQ was responsible for describing the future of the Alliance, having dealings with think-tanks and other groupings, including some industry participation across Europe and North America. You said although the HQ was responsible for capability requirement setting for the NATO Command Structure, this fell outside your role and was run exclusively by a US 3* Officer.
6. You said that you have been detached from the MOD and UK industry for the last 4 years while in NATO and during resettlement, and therefore you have very limited, current privileged information. 10 months that have passed since you left your NATO role (and 4 months since your last day in Crown service).

7. You said the Allied Command Transformation, where you were Chief of Staff, does not deal with contracts, but defines the requirements for delivery by the NATO procurement agencies. As above, the capability portfolio and any engagement with industry was run exclusively by another individual, a US 3* office – outside of your command.

Department Assessment

8. The MOD and NATO confirmed the details you provided, stating they have no concerns with this appointment.
9. The MOD confirmed there is a small contract with the army and said '*There appears to be very little previous commercial relationship with the appointing company*'.
10. The MOD said you have been employed by NATO and have been '*...far removed*' from contractual discussions in UK Defence for 4 years. The department and NATO also confirmed that you had no responsibility for tenders or contracts in your recent appointment at NATO. It confirmed the contract that Systemic has with the army at the UK MOD fell outside of any of your responsibilities in office. Any contracts it has with other NATO nations also fell outside of your command/responsibilities; and there is no contract between NATO and Systemic.
11. The MOD said you have no access to privileged information at the UK MOD other than the '*...general knowledge accrued from [your] military career*'. The department said the 4 year period you have spent at NATO has mitigated the risk specific to the UK MOD.
12. In respect of your access to information at NATO, the department said you were '*...responsible for the conceptual development of the Alliance, but this was at the strategic level and did not translate to capability choices, which are, in any case, for nations and not the NATO Command Structure of which Bennett was a part*'. Further, the MOD noted the time you have spent on resettlement leave with no access to information at either NATO or the UK MOD (he left post at NATO 10 months ago).
13. The MOD also noted you intend to provide advice at a strategic level in your consultancy work, having no involvement in contracts. The MOD recognised there were some risks: particularly that '*...the extent of [your] knowledge and experience and [your] network of contacts would be extremely valuable*'. The department considered the lobbying ban would be sufficient. The department also considered it would be inappropriate for you to advise Systemic on any

aspect of NATO business which you had specific involvement in or responsibility for.

14. Overall, the MOD said it has no reservations about the commission and recommended the following:

- The standard conditions, '*...extended to include dealings with NATO, not just UK MOD and UK Government*'.
- The department also considered it would be inappropriate for you to advise Systematic on any aspect of NATO business which you had specific involvement in or responsibility for.