



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

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**BUSINESS APPOINTMENT APPLICATION: Robert Courts KC, former Solicitor General at the Attorney General's Office. Unpaid appointment with the Royal Air Forces Association.**

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 an Ambassador at the Royal Air Forces Association (RAFA).
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions taken and decisions made during your time in office, alongside the information and influence you may offer RAFA. 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 Committee<sup>1</sup> took into account that the appointment as an Ambassador is unpaid<sup>2</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 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 is no direct overlap between your ministerial responsibilities and your role with RAFA as an Ambassador. There remain inherent risks associated with any former minister's access to information, network of contacts and influence in government. In this unpaid role, these risks are limited.
7. Whilst the risk here is limited given the unpaid nature of the role, the Committee noted 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

8. The Committee did not consider this unpaid appointment to raise any particular concerns under the government's Business Appointment Rules. The standard conditions below sufficiently mitigate the inherent risks. These seek to prevent you from making improper use of privileged information, contacts and influence to the unfair advantage of the organisation.
9. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Royal Air Forces Association** 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;

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<sup>1</sup> This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Michael Prescott; and The Baroness Thornton. Dawid Konotey-Ahulu CBE DL was unavailable.

<sup>2</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.

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of the Royal Air Forces Association (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 the Royal Air Forces Association (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 the Royal Air Forces Association (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or regarding the subject matter of a bid with, or contract relating directly to the work of, the UK government or its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from the 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>3</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.
11. 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.
12. 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'*.
13. You must inform us as soon as you take up this role, or if it is announced that you will do so and we will publish this letter on our website. You must inform

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<sup>3</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. 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.

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.

Isabel Doherty

**Interim Chair  
ACOB**

## **Annex – Material Information**

### The role

1. The Royal Air Forces Association (RAFA) is a UK registered charity established in 1943. It offers support and care to current and former members of the British Commonwealth's air forces, as well as their families. RAFA has around 79,000 members across 504 branches in the UK and internationally.
2. You wish to take up a part-time, unpaid role as an Ambassador at RAFA. You said that your role would be an unpaid charity position with a focus on championing RAFA's mission. Your responsibilities may include:
  - promoting RAFA within its networks to generate financial contributions;
  - serving as a role model to inspire volunteering; and
  - leveraging its profile and contacts for media coverage, participation in RAFA publicity, hosting event guests, and public speaking.

### Dealings in office

3. You said that you did not make any policy, regulatory or commercial decisions specific to RAFA, and that you did not have any access to information that could grant RAFA an unfair advantage. You also stated that there was no relationship between RAFA and the Attorney General's Office (AGO), and that you had no contact with the organisation in your capacity as a minister.

### Departmental assessment

4. The AGO confirmed the details you provided in your application.
5. 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.'*