



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

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BUSINESS APPOINTMENT APPLICATION: Mr Michael Potter, former Government Chief Digital Officer at the Central Digital and Data Office - at The Cabinet Office and The Department for Science, Innovation and Technology. Paid appointment with Equal Experts UK Limited.

1. Mr Potter 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 role as a Strategic Advisor with Equal Experts UK Limited (Equal Experts).
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 Mr Potter's time in government service, alongside the information and influence he may offer Equal Experts. The material information taken into consideration by the Committee is set out in the annex.
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 Rules set out that Crown servants must abide by the Committee's advice¹. 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 risks presented

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

5. Equal Experts is a UK-headquartered consultancy that specialises in software development and digital transformation. Equal Experts has a relationship with government – it has been awarded contracts relating to digital, data and technology services across several government departments ². Further, the Cabinet Office confirmed Equal Experts has a contractual relationship with Cabinet Office Digital in user experience forms.
6. Mr Potter made no policy, regulatory or commercial decisions specific to Equal Experts during his time as Chief Digital Officer. Whilst Equal Experts has contracts with the Cabinet Office, Mr Potter had no involvement and/or oversight in the company's contracts. The Committee³ therefore considered the risk this role could reasonably be perceived as a reward for decisions made in office is low.
7. There is some overlap between Mr Potter's role as Chief Digital Officer and this role. In particular, Equal Experts operates in the digital, data and technology sector, amongst others. The risks related to his access to information are limited because:
 - the overlap is broad, given his work as a digital services professional, not specific to Equal Experts;
 - the Cabinet Office is not aware of any information he was privy to that would offer any particular advantage to Equal Experts; and
 - he has been out of office for over nine months, creating a gap between his role with Equal Experts and his access to information.
8. As a senior official working at the heart of government, there are risks associated with Mr Potter's contacts and influence within government, particularly in the context of working for a company that holds contracts across government and a known interest in government work. There is a risk that in his role as Strategic Advisor, he may be perceived to be advising and/or lobbying on behalf of the interests of Equal Experts to the UK government. The Committee considered it significant that:
 - his role as Strategic Advisor excludes any dealings with government
 - Equal Experts confirmed he will not be involved in lobbying of the UK government in this role, in line with the expectations set out in the Rules.
 - he will not be involved in any contracts or bids relating to the UK government or draw on his knowledge of government to further the company's interest in the UK government.

² <https://www.equalexperts.com/government-and-public-sector/>

³ This application for advice was considered by Isabel Doverly; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; Michael Prescott; The Baroness Thornton; and Mike Weir.

9. Both of the noted factors above reduce the risk that Mr Potter might be seen as lobbying government in this role, which former Crown servants are prevented from doing for two years on leaving Crown service under the Rules.
10. The Committee recognised that Mr Potter has a career in leading digital transformation and technology in both the public and private sector that predates his time in government.

The Committee's advice

11. The Committee considered there are limited risks associated with Mr Potter's access to information. Whilst there is a general overlap, Equal Experts' operation is not directly related to his responsibilities in office, with its contractual dealings sitting with other parts of government and more specifically, he was not involved in its dealings with the Cabinet Office.
12. Mr Potter confirmed there will be no lobbying of the UK government in this role, in line with the expectations set out in the Rules. It is significant that Equal Experts confirmed compliance with this advice.
13. It is also relevant that Mr Potter has a career in leading digital transformation and technology in both the public and private sector that predates his time in government.
14. The Committee advises, under the government's Business Appointment Rules, that Mr Potter's role with **Equal Experts UK Limited** 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 or any of its arm's length bodies on behalf of Equal Experts UK Limited (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Equal Experts UK Limited (including parent companies, subsidiaries, partners and clients); and
 - for two years from his last day in Crown service, he should not provide advice to Equal Experts 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 the UK government or its arm's length bodies.

15. The advice and the conditions under the government's Business Appointment Rules relate to an applicant'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' Interests⁴. 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.
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 Ministerial Code/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.*"
18. Mr Potter 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.
19. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Hamzah Rizvi
Committee Secretariat

Annex – Material information

⁴ 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.

The role

1. Equal Experts is a UK-headquartered consultancy that specialises in software development and digital transformation.
2. Equal Experts is accredited on Crown Commercial Services frameworks to operate across central government, including:
 - Digital & Legacy Application Services (DALAS)⁵: Equal Experts is one of 6 suppliers to government on Lot 2A: Digital, Integration and Programme Application Services (large scale)
 - Big Data and Analytics (BD&A): Equal Experts is the only supplier approved for all 6 capabilities across data and analytics to all central government departments.
3. According to its website, it has also previously contracted across wider government, operating in digital, data and technology services with His Majesty's Revenue and Customs, the Home Office, the Department for Education, the Department for Work and Pensions, the Intellectual Property Office, the Department for Environment, Food and Rural Affairs and the Department for Health and Social Care^{6 7}.
4. In his paid, part-time role as Strategic Advisor, Mr Potter stated he will be providing high-level guidance on digital transformation strategy, advise on emerging trends, and mentor senior leadership on delivery best practices. Mr Potter stated he will not:
 - be involved in lobbying or bids and contracts, nor have contact with government
 - use privileged information acquired in office
 - engage in any work that overlaps with specific policy areas or programmes he directly worked on within the last two years of government service.
5. Mr Potter stated he has informed Equal Experts of these restrictions on his role. Mr Potter also stated that the company has recently become a fully employee-owned business and is establishing a new governance and oversight model. As part of this, it is establishing a group of independent advisors to assist on long-term strategy, of which he will be involved in.

⁵ www.crowncommercial.gov.uk/agreements/RM6335

⁶ www.equalexperts.com/government-and-public-sector

⁷ www.ukauthority.com/articles/defra-signs-equal-experts-to-support-digital-delivery/#:~:text=Topics.packages%2C%20and%20delivery%20options%20analysis

6. Mr Potter stated he was approached directly by Equal Experts. He added that he was previously engaged by Equal Experts in an advisory role in 2019, prior to his recent role in Crown service.
7. Mr Potter has been responsible for delivering transformational change in both public and private sector roles over the last 20 years. He has held senior posts at His Majesty's Revenue and Customs, NHS, Rural Payments Agency and Chief Digital Officer at Thames Water.

Correspondence with Equal Experts

8. Equal Experts confirmed in writing its understanding of, and agreement to, comply with the Committee's advice. It also confirmed Mr Potter's role will not involve lobbying the UK government.

Dealings in office

9. Mr Potter stated he had multiple meetings with suppliers of software and services. He stated he did not meet with Equal Experts during his time in Crown service, nor was he involved in decisions nor did he have access to sensitive information specific to the company.
10. He stated he was not involved in any relevant awards of contract to Equal Experts, adding that the sole major award he was involved in was for the review of '*State of Digital Government*', which was awarded to a different company after a competitive process under a management consultancy framework.
11. Mr Potter noted he interacted with the company when he was Digital Director and Interim Chief Digital Information Officer at His Majesty's Revenue and Customs - a role he held from 2014-2017.

Departmental assessment

12. The Cabinet Office stated Cabinet Office Digital has a contractual relationship with Equal Experts relating to user experience forms, with an expiry date of 30 November 2025.
13. The Cabinet Office confirmed the details provided by Mr Potter, stating:
 - it did not have any concerns regarding decisions or policies made during his time in Crown service that could provide an unfair advantage to Equal Experts.
 - Mr Potter did not have direct decision-making authority or influence over any contracts awarded to Equal Experts, nor did he engage in privileged commercial discussions regarding the company during his time in post.
 - it did not consider Mr Potter to possess sensitive information that could provide an unfair advantage to Equal Experts.

14. The Cabinet Office did not have concerns with the appointment and recommended the standard conditions apply to Mr Potter's proposed appointment.