



THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS
ELEVENTH REPORT 2009-2010

13th December 2010

Dear Prime Minister,

This letter accompanies the Eleventh report of the Advisory Committee on Business Appointments covering its work between 1 April 2009 and 31 March 2010.

The Committee's membership has substantially changed, with new appointments being made throughout this year. I would like to take this opportunity to pay tribute to all the previous members, who continued to serve well over their agreed terms of office and in particular to Sir Bryan Nicholson who served for 11 years up to March this year. All their experience and knowledge was invaluable.

The Committee welcomes the development and imminent publication of the Government's new Business Appointments Rules for Crown servants and former Ministers. The new Rules will be principle based, clear, consistent and more straightforward, which will help applicants, departments and the wider public in their understanding of the Rules and also the Committee's processes. We welcome being asked for our advice as the new Rules were developed ensuring the experience of this and the previous Committee could be taken into account.

Not all appointments for which we have given advice during this year have been or will be taken up. This may be for a variety of reasons including the applicant taking up a different appointment, the length of a waiting period that the Committee has imposed deterring the applicant from taking up that appointment altogether, or the applicant waiting to take up the appointment. We only publish our advice when appointments are taken up or announced, so information on these other applications remains confidential and unpublished.

In this report we publish the advice we gave to 7 former Ministers regarding 13 appointments. Conditions were set for 10 of these appointments. We also publish the advice we have given to you and the Foreign Secretary in respect of 27 Crown servant applicants regarding 43 appointments for which conditions were set for 31 of these appointments.

The Committee continues to believe that it is important that the Rules take account of the view that it is in the public interest for people with experience of public administration to take up appropriate posts in the business world or elsewhere once they leave public office, but that there must be a fair and reasonable system that ensures such appointments are made on a basis that does not give rise to justifiable public concern or criticism.

*Yours sincerely,
Lang of Monkton*

Lord Lang of Monkton DL

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INTRODUCTION

1. The Advisory Committee on Business Appointments is an independent body that provides advice to the Prime Minister and the Foreign Secretary on the application of the Rules on the acceptance of outside appointments to those very senior members of the Civil Service, the Diplomatic Service and the Military who wish to take up appointments within two years of leaving Crown service.
2. In the case of Ministers, it is the Ministerial Code that requires they seek the Advisory Committee's advice about any appointments they wish to take up within 2 years of leaving the Government, although during the period of this report they did not need to consult the Advisory Committee about unpaid appointments in non commercial organisations. The Advisory Committee gives its advice direct to the individual under Guidelines provided for it by the Government on the acceptance of appointments by former Ministers.
3. The Committee is an Advisory Non-Departmental Public Body sponsored by the Cabinet Office. Its members are appointed by the Prime Minister. They have experience at the most senior levels of Parliament, the Civil Service, the Diplomatic Service, the Armed Forces, and Business. During the year covered by this report 6 new members were appointed. Sir Bryan Nicholson and all of the former members had exceeded their agreed term of office. Sir Bryan agreed once again to extend his appointment to 31 March 2010 and was replaced, by Sir Hugh Stevenson, on 1 April 2010.
4. New members have been appointed for a 5 year non renewable term. From 1 April 2009 members have been paid an annual honorarium of £3000 (unless they are drawing a salary from the public purse). The Prime Minister appointed Lord Lang of Monkton to the Advisory Committee on 1 April 2009 and subsequently to Chair on 1 August 2009, succeeding Lord Wilson of Tillyorn who had been interim Chairman since July 2008. Lord Lang's appointment followed the long standing practice, under successive Governments, that the Chair be drawn from among the existing members of the

Advisory Committee. The Chairman receives an annual honorarium of £8000.

5. The new members of the Committee are:

Dame Juliet Wheldon – appointed 1 April 2009

Lord Macdonald of Tradeston – appointed 1 May 2009

The Lord Dholakia – appointed 1 June 2009

General The Lord Walker of Aldringham – appointed 1 August 2009

Sir Colin Budd – appointed 1 August 2009

Sir Hugh Stevenson – appointed 1 April 2010

Previous members (within the period of this report):

Lord Morris of Aberavon to 30 April 2009

Lord MacLennan of Rogart to 31 May 2009

Admiral Sir Kenneth Eaton to 31 July 2009

Sir Bryan Nicholson to 31 March 2010

6. Appointments to the Advisory Committee are regulated by the Commissioner for Public Appointments (CPA).
7. In November 2009 the House of Commons Public Administration Select Committee (PASC) held a pre appointment hearing on the selection of Lord Lang as Chair. Following the hearing PASC concluded that they were satisfied that Lord Lang had the professional competence and personal independence required for the post.
8. The Advisory Committee is supported by a secretariat of 4 based in the Cabinet Office. This secretariat also constitutes the unit that advises departments on the application of the Business Appointment Rules to Crown servants below the most senior levels. Its costs amounted to approximately £191,500 in 2009-10¹

¹ The costs exclude a proportion of the Independent Offices Central Management expenditure for 2009-10 (£28,500) which are included within the figures posted in the Cabinet Office Annual Report Resource Accounts 2009-10

9. During the period of this report the Advisory Committee has been working with the Government on new Rules for Crown servants and former Ministers and is pleased that the Government will shortly publish these new Rules. The Advisory Committee welcomed being consulted on the new Rules, which ensured that the experience of this and previous Committees could be taken fully into account.

10. During this year the new Advisory Committee published its Code of Practice and Register of Interests. The purpose of the Code is to provide guidance for members of the Advisory Committee on the standards of conduct expected of them in discharging their duties. Members must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise.

11. The Advisory Committee's Secretariat aims to deal with applications within particular timescales that are set out within the relevant sections, and the

Advisory Committee publishes its final advice on its website once the appointment has been taken up or announced.

12. The Advisory Committee is a designated public authority under the Freedom of Information Act 2000. The Act requires every public authority to adopt a publication scheme. The Advisory Committee has adopted the [single approved model](#) publication scheme published by the Information Commissioner who requires the Advisory Committee to make information available to the public as part of its normal business activities. With the publication of the new Rules the Advisory Committee will review the information it currently makes available to ensure that we are being as open as possible while safeguarding data privacy for individuals.

13. The Advisory Committee responds to requests for information held that is not already published in accordance with the provisions of the Freedom of Information Act.

THE BUSINESS APPOINTMENTS SYSTEM FOR FORMER MINISTERS

14. The Advisory Committee dealt with the requests for advice from former Ministers in accordance with the Guidelines provided by the Government for this purpose (the Guidelines relating to cases dealt with during this period are reproduced in Annex A). In May 2010 the Prime Minister published his new Ministerial Code which strengthened the rules for former Ministers on the acceptance of appointments after leaving ministerial office. The Advisory Committee welcomes the revised Business Appointment Rules for Former Ministers, which will be published shortly and which clearly set out former Ministers' responsibilities and the role of the Advisory Committee in advising former Ministers.

15. In 2009-10 the Advisory Committee aimed to respond to any request for advice from former Ministers within 15 working days. There are a number of factors that need to be considered before a decision is made on a former Minister's application and therefore complex cases can take longer. In 2009-10 the Advisory Committee provided advice within 15 working days in 88% of requests received.

16. Former Ministers who are subsequently appointed to a role as a Special Representative, Envoy, Tsar or other Adviser are not currently subject to the Business Appointment Rules when leaving that role. These advisers can have a similar level of access to senior officials and Ministers and therefore there may be a case for some of these appointments being subject to the Business Appointment Rules. The Advisory Committee will, of course, take into account any such role when looking at a former Minister's application.

17. Ministers brought into the Government from specific sectors for their experience and knowledge have raised some particular issues when they leave government and seek employment. The Advisory Committee has had concerns that the Business Appointment Rules were not fully explained to these Ministers when they took office, and that they had an expectation that they could immediately return to their former sector with no restrictions. Many of the issues have been addressed but the Government may wish to note these concerns if similar appointments are to be made in the future.

Lobbying

18. The question of how lobbying should be treated affects both former Ministers and Crown servants. We deal with both here to avoid repetition in the next section of this report regarding the appointments of Crown servants.

19. In January 2009 the House of Commons Public Administration Select Committee (PASC) published a report², which called for a range of new measures and specifically ones that "*make it harder for politicians and public servants to use the information and contacts they have built up in office as an inducement to other potential employers*"³. They also saw a need for a "*strong Advisory Committee to instil confidence both in the public and in those whose careers they can affect, that processes are followed and decisions taken both robustly and fairly*"⁴. The Government responded to this report in October 2009⁵ and agreed that there was "*a continuing need for a strong ACOBA to reassure the public that there are no reasonable grounds for criticism about the propriety of appointments taken up by Ministers and Crown servants when they leave public office*"⁶. The Government also agreed that "*the Guidelines for former Ministers and the Rules for Crown servants (including the associated Guidelines to departments) need revision so as to bring them up-to-date and to ensure that they can be interpreted as unambiguously as possible*"⁷.

20. Since this response the Advisory Committee is pleased to see that the Government will be defining lobbying and will be setting out this definition in the new Rules. Having a definition along with clearer guidance on potential lobbying issues and likely restrictions makes it much fairer to the applicants. We believe it is reasonable and fair to prohibit former Ministers from lobbying for a period following their departure from office as

² HC 36-I – [First Report of Session 2008-9](#), "Lobbying: Access and influence in Whitehall".

³ *Ibid.*, Page 46, Number 144.

⁴ *Ibid.*, Page 71, Number 43.

⁵ HC 1058 – Eighth Special Report of Session 2008-09, "Lobbying: Access and influence in Whitehall: Government Response to the Committee's First Report of Session 2008-09".

⁶ *Ibid.*, Page 14, Number 47.

⁷ *Ibid.*, Page 15, Number 47.

lobbying is a specific activity which raises clear propriety issues.

Appointments of former Ministers

21. Turning to the applications themselves, this Annual Report contains information on those cases where the appointment was taken up or announced between 1 April 2009 and 31 March 2010, apart from one case where the previous Committee had agreed to withhold publication for a period of time, and another where advice was sought after the appointment was taken up.

22. Not all appointments for which we have given advice during this year have been or will be taken up. This may be for a variety of reasons including the applicant taking up a different appointment, the length of a waiting period that the Committee has imposed deterring the applicant from taking up that appointment altogether, or the applicant still

waiting to take up the appointment. We only publish our advice once appointments are taken up or announced, so information on these other applications remains confidential and unpublished.

23. In this report we publish the advice we gave to 7 former Ministers regarding 13 appointments. Conditions were set for 10 of these appointments. They are listed in Annex B together with our advice on them.

24. The Advisory Committee has no remit to police compliance with the Ministerial Code or the observance of the advice we give to individuals. Nor should we carry out such a function. Our advice is given, and made publicly available, under the terms of the Rules which form our remit. If asked whether our advice has or has not been sought about a particular appointment accepted by a former Minister, we provide that information.

THE BUSINESS APPOINTMENT RULES FOR CROWN SERVANTS

Rules for Crown servants

25. The Advisory Committee welcomes the soon to be published new Rules for Crown servants. They are more straightforward and easier for applicants to follow.

26. In 2009-10 the Advisory Committee aimed to deal with Crown servant applications within 25 working days. As with former Ministers there are a number of factors that need to be considered before advice is given to the Prime Minister or Foreign Secretary and therefore cases can sometimes take longer. The Advisory Committee dealt with 77% of applications within 25 working days.

The Armed Forces

27. During the period covered by this report the Advisory Committee once again considered applications from members of the Armed Forces. This followed a period where the Cabinet Office and the Ministry of Defence had been considering issues surrounding the application of the Rules to members of the Armed Forces. The conclusion was that former members of the Armed Forces should continue to receive the same level of formal scrutiny as others leaving Crown service and the Cabinet Secretary wrote to the Advisory Committee, on behalf of the Prime Minister, formally extending the Advisory Committee's remit to consider applications made by the most senior members of the Armed Forces and provide advice in the normal way.

Appointments of former Crown servants

28. As with former Ministers, this Annual Report contains details of only those cases where appointments were taken up or announced between 1 April 2009 and 31 March 2010.

29. Not all appointments for which we have given advice during this year have been or will be taken up. This may be for a variety of reasons including the applicant taking up a different appointment, the length of a waiting period that the Committee has imposed deterring the applicant from taking up that appointment altogether, or the applicant still waiting to take up the appointment. We only

publish advice once appointments are taken up or announced, so information on those applications where the appointment is yet to be taken up remains confidential and unpublished.

30. In this report, we publish the advice we gave to the Prime Minister or the Foreign Secretary on 43 applications for which conditions were set for 31 of the appointments.

31. The list in Annex D summarises our recommendations on those appointments that have been taken up or announced, including 3 where we used our discretion under the Rules to recommend that the normal minimum three-month waiting period, which applies to permanent secretaries and their direct equivalents, should be waived. All our recommendations were accepted.

32. During 2009-10 the Advisory Committee considered applications only from the most senior Crown servants. Applications from officials at the next level were considered by the Head of the Civil Service, while those below that level, which are referred to the Cabinet Office under the Rules, were considered by our Secretariat. (The criteria for deciding who should consider a particular case are set out in paragraph 25 – 30 of the Rules, see Annex C). The Chairman has personally reviewed the recommendations made by the Advisory Committee's Secretariat in a substantial, random sample of cases with which they dealt, and he was satisfied that in each instance the Advisory Committee itself would have made a similar recommendation.

Statistical analysis of applications from all Crown servants

33. In the period covered by this report, 161 applications were referred to the Cabinet Office as required under the Rules. Apart from the 62 referred to the Advisory Committee, 48 were considered by the Head of the Civil Service and the remainder by our Secretariat. An analysis by department is provided in Table 1. The reasons for leaving Crown service are shown in Table 2. Analyses of the cases considered by the Advisory Committee categorised by department and conditions applied, reasons for leaving, and nature

of proposed employment are provided in Tables 3, 4 and 5 respectively.

ANNEX A: GUIDELINES ON THE ACCEPTANCE OF APPOINTMENTS OR EMPLOYMENT OUTSIDE GOVERNMENT BY FORMER MINISTERS OF THE CROWN

Introduction

1. It is in the public interest that former Ministers with experience in government should be able to move into business or into other areas of public life. It is equally important that when a former Minister takes up a particular appointment there should be no cause for any suspicion of impropriety. Arrangements have been made therefore to enable former Ministers to seek advice from the independent and impartial Advisory Committee on Business Appointments.

2. The use of the term ‘appointment’ in these guidelines should be taken generally to include all forms of employment including the practice of a profession, apart from unremunerated appointments in non-commercial organisations or appointments in the gift of the Government.

3. The guidelines seek to counter suspicion that:

- a. the statements and decisions of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b. an employer could make improper use of official information to which a former Minister has had access; or
- c. there may be cause for concern about the appointment in some other particular respect.

The Guidelines

4. Former Ministers should ask the Advisory Committee about any appointment (as defined in paragraph 2) they wish to take up outside Government within two years of leaving office. The Committee will consider details of the appointment and any contact the former Minister (or his or her former department) has had with the prospective employer or with competitors (the attached request form will be a convenient way of providing this information). If necessary, the Committee will seek, in confidence, information from senior officials of a former Minister’s former department(s) about the nature of any contractual,

regulatory or other relationships which the department(s) have or have had with the prospective employer.

5. The Advisory Committee will consider each appointment on its merits, against specific tests relating to the following:

- i. to what extent, if at all, has the former Minister been in a position which could lay him or her open to the suggestion that the appointment was in some way a reward for past favours?
- ii. has the former Minister been in a position where he or she has had access to trade secrets of competitors or knowledge of unannounced Government policy which would give his or her company an unfair advantage?
- iii. is there another specific reason why acceptance of the appointment would give rise to public concern of a degree or character to justify advising the former Minister that there should be a delay or another condition in taking up the appointment, or that the appointment is unsuitable?

6. The Advisory Committee will need to balance any points under these tests against the desirability of former Ministers being able to move into business or other areas of public life, or the need for them to be able to start a new career or resume a former one.

7. The Advisory Committee may advise that they see no objection to the appointment, or they may recommend a delay of up to two years running from the date of leaving office before it is taken up, or that for a similar period the former Minister should stand aside from certain activities of the employer. They may also advise that an appointment is unsuitable.

8. A three-month waiting period from the date of leaving office will normally be expected when the former Minister is of Cabinet rank, unless the Advisory Committee advise a longer waiting period

in particular circumstances. The Advisory Committee may waive this automatic waiting period if, for example, the former Minister is returning to a family business or to the practice of a profession (e.g. farming, medicine or teaching) where the appointment is not connected with his or her Ministerial knowledge, and no considerations of improper advantage could apply.

Publicising the Advisory Committee's advice

9. All approaches to the Advisory Committee will be considered in strict confidence, and will remain confidential if the appointment is not taken up. When a former Minister takes up a post which the Advisory Committee have scrutinised, the Committee's advice will be available for publication. The Advisory Committee will produce an annual report, summarising the cases with which they have dealt in the previous year.

ANNEX B: ADVICE GIVEN ON APPOINTMENTS TAKEN UP BY FORMER MINISTERS

1 April 2009 – 31 March 2010

The Committee's advice to former Ministers is set out in this Annex. The following abbreviated terms have been used.

Entry	Explanation of Advice
“Sees no reason why he/she should not take it up forthwith”	The appointment could be taken up or accepted immediately
“Sees no reason why he/she should not take it up forthwith, subject to (a condition)”	The appointment could be taken up or accepted immediately, subject only to a (specified) condition
“Normal three-month wait”	The appointment could be taken up, subject only to the normal waiting period of three months for former Cabinet Ministers. (When an applicant sought permission after the normal three-month waiting period had expired and there were no concerns about the appointment, the Committee's advice was that the appointment could be taken up forthwith)
“Waiting period”	The applicant should wait for a (specified) waiting period before taking up the appointment
“Noted and saw no difficulty”	The Committee was asked for advice after the appointment had been taken up (or announced) but saw no difficulty with it

Waiting periods and conditions run from the date that the former Minister left the Government.

The Committee's advice is shown only for appointments taken up (or announced) during the period covered by this report (1 April 2009–31 March 2010), or, if earlier, where notification was received after 1 April 2009. Advice on appointments taken up since 1 April 2010 or yet to be taken up will be included on the Committee's website (<http://www.acoba.gov.uk>) and in the Committee's next annual report.

Name, former department & date of leaving office	Appointment	Advice & date tendered	Date taken up
Rt Hon Tony Blair Prime Minister June 2007	Governance Adviser Kuwaiti Government [Publication delayed at the request of the Kuwaiti Government]	Sees no reason why he should not take up the appointment forthwith December 2007	June 2008
	Advice to a consortium of investors led by the UI Energy Corporation [Publication delayed due to market sensitivities]	Sees no reason why he should not take up the appointment forthwith August 2008	Work undertaken during August 2008
Lord Carter of Barnes CBE Minister for Communications, Technology & Broadcasting Department for Business, Innovation and Skills Department for Culture, Media and Sport July 2009	Office and administrative support provided by LEK Consulting LLP	Sees no reason why he should not accept the offer of an office and administrative support from LEK Consulting LLP on the understanding that, for three months after leaving office, he would not be working for them, advising them or offering services on the firm's behalf to any of their clients (this advice should be read with the separate advice for his independent consultancy work) July 2009	Office established in August 2009
	Independent consultant Various clients	Sees no reason why he should not set up as an independent consultant and provide advice to clients subject to the conditions that, for nine months after leaving office, he should not accept work related to the implementation of measures outlined in the 'Digital Britain' White Paper and, for 12 months from the same date, he should not become personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of any client July 2009	First commission accepted in September 2009
	Speaking engagements	Sees no reason why he should not carry out speaking engagements provided that he does not draw on any privileged information which was available to him as a Minister July 2009	First engagement undertaken in September 2009
	Chief Marketing, Strategy & Communication Officer Alcatel-Lucent	Sees no reason why he should not take up the appointment subject to a waiting period of 9 months from his last day in office and the condition that, for 12 months from the same date, he should not become personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of his new employer February 2010	Appointment announced in March 2010 to be taken up in April 2010
The Rt Hon John Hutton MP Secretary of State Ministry of Defence June 2009	Adviser Eversheds LLP	Sees no reason why he should not take up this appointment subject to the normal three-month waiting period for former Cabinet Ministers and the condition that, for 12 months after leaving office, he does not become personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of the firm or any of their clients July 2009	September 2009

Name, former department & date of leaving office	Appointment	Advice & date tendered	Date taken up
Lord Jones of Birmingham Kt Minister of State for Trade and Investment Department for Business, Enterprise and Regulatory Reform October 2008	Senior Adviser J C Bamford Excavators Ltd (JCB)	Sees no reason why he should not take up these appointments, in January 2009 as he proposes, provided that he makes clear in any activities undertaken on their behalf that he is acting as a representative of the firm and not in a governmental capacity; that he does not draw on any privileged information which was available to him as a Minister for their particular benefit; and that, for 12 months after leaving office, he should not become personally involved in lobbying the Government on behalf of his new employers or their clients December 2008	April 2009
	Chairman Triumph Motorcycles Ltd	Sees no reason why he should not take up this appointment, in June 2009 as he proposes, provided that he makes clear in any activities undertaken on their behalf that he is acting as a representative of Triumph Motorcycles and not in a governmental capacity; that he does not draw on any privileged information which was available to him as a Minister for their particular benefit; and that, for 12 months after leaving office, he should not become personally involved in lobbying the Government on their behalf May 2009	June 2009
	Member of Advisory Board Monitise plc	Noted and saw no difficulty provided that he makes clear in any activities undertaken on their behalf that he is acting as a representative of Monitise and not in a governmental capacity; that he does not draw on any privileged information which was available to him as a Minister for their particular benefit; and that, for 12 months after leaving office, he should not become personally involved in lobbying the Government on their behalf June 2009	January 2009
The Rt Hon Ruth Kelly MP Secretary of State Department for Transport October 2008	Independent Consultant Various clients including companies and third sector organisations	Noting her undertaking not to seek work from any organisation with whom she had official dealings, or who might have a direct interest in the policy she was involved in whilst Secretary of State for Transport, the Committee sees no reason why she should not undertake ad hoc consultancy work subject to the condition that, for 12 months from her last day in office, she should not become personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of any clients July 2009	First commission accepted in October 2009
The Rt Hon The Lord Malloch-Brown KCMG Minister of State for Africa, Asia and the UN Foreign and Commonwealth Office July 2009	Senior Adviser to the Global Redesign Initiative World Economic Forum	Sees no reason why he should not take up the appointment forthwith July 2009	September 2009
The Rt Hon James Purnell MP Secretary of State Department for Work and Pensions June 2009	Director, Open Left Project Demos	Sees no reason why he should not take this up as a paid appointment once the normal three-month waiting period for former Cabinet Ministers has elapsed July 2009	Taken up as an unpaid appointment in July 2009, and as a paid appointment with effect from September 2009

ANNEX C: RULES ON THE ACCEPTANCE OF OUTSIDE APPOINTMENTS BY CROWN SERVANTS (INCLUDING GUIDANCE FOR DEPARTMENTS AND AGENCIES)

Introduction

1. It is in the public interest that people with experience of public administration should be able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern over a particular appointment. It is equally important that when a former Crown servant takes up an outside appointment there should be no cause for any suspicion of impropriety.

2. The Business Appointment Rules provide for the scrutiny of appointments which former Crown servants propose to take up in the first two years after they leave the service. To provide an independent element in the process of scrutiny, the Advisory Committee on Business Appointments is appointed by the Prime Minister, comprising people with experience of the relationships between the Civil Service and the private sector. The Committee gives advice on applications at the most senior levels, and reviews a wider sample in order to ensure consistency and effectiveness.

3. The aim of the rules is to maintain public trust in the Crown services and in the people who work in them, and in particular:

- a. to avoid any suspicion that the advice and decisions of a serving officer might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b. to avoid the risk that a particular firm might gain an improper advantage over its competitors by employing someone who, in the course of their official duties, has had access to technical or other information which those competitors might legitimately regard as their own trade secrets or to information relating to proposed developments in Government policy which may affect that firm or its competitors.

4. Most applications submitted under the rules are approved without condition. In some cases

approval may be given subject to a waiting period or other conditions. The imposition of conditions does not imply anything improper in a Crown servant's relationship with the prospective employer. Rather, it is an indication that an immediate move from Crown service to the employer, or one without conditions, might be open to criticism or misinterpretation. Experience has shown that employers generally are content to accept such constraints as being reasonable in an open society which places a high premium on the integrity and impartiality of its civil and military services.

5. This version of the rules applies to the Home Civil Service. There are corresponding requirements for other Crown servants including the Armed Forces, the Diplomatic Service, and certain office holders. There are different requirements and different procedures for staff at different levels.

Who must apply?

6. Within two years of leaving Crown employment, and in the circumstances set out in the following paragraph, civil servants must obtain Government approval before taking any form of full, part-time or fee-paid employment:

- a. in the United Kingdom; or
- b. overseas in a public or private company or in the service of a foreign government or its agencies.

7. Applications for approval must be made by civil servants:

- if they are in the Senior Civil Service in salary band 4 or above and in a post attracting a minimum JESP score of 13; or if they are specialists or Special Advisers of equivalent standing; or
- if they have had any official dealings with their prospective employer during the last two years of Crown employment; or
- if they have had official dealings of a continued or repeated nature with their

prospective employer at any time during their period of Crown employment; or

- if they have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties; or
- if their official duties during the last two years of Crown employment have involved advice or decisions benefitting their prospective employer, for which the offer of employment could be interpreted as reward, or have involved developing policy, knowledge of which might be of benefit to the prospective employer; or
- if they are to be employed on a consultancy basis (either for a firm of consultants or as an independent or self-employed consultant) and they have had any dealings of a commercial nature with outside bodies or organisations in their last two years of Crown employment.

8. The rules do not apply to:

- a. unpaid appointments in non-commercial organisations;
- b. appointments in the gift of Ministers; or
- c. in the case of part-time staff, appointments held with their department's or agency's agreement while they were civil servants.

9. Approval is required for:

- a. the initial appointment; and
- b. any further appointment within two years of leaving Crown employment.

10. Staff on secondment from the Civil Service to other organisations are subject to the rules in the same way as other civil servants.

11. Staff on secondment to the Civil Service from other organisations are also subject to the rules in the same way as civil servants unless they return to their seconding organisation at the end of their secondment and remain there for two years.

12. Special Advisers are subject to the rules in the same way as other civil servants unless they are offered a post by the same employer which they left on being appointed as advisers and remain there for two years. The rules do not apply to Special Advisers appointed before 1 April 1996 on

terms exempting them from the rules, unless they have volunteered to be subject to them.

Reporting offers of employment

13. Departments and agencies must require staff considering any approach from an outside employer offering employment for which approval would be required under the rules (or which seems likely to lead to such an offer) to report the approach as follows:

- Heads of Department: inform the Minister in charge of the Department;
- Other members of the Senior Civil Service (or their equivalents): inform the Head of the Department or his or her deputy as appropriate;
- Other staff: inform a senior member of staff in the reporting chain.

14. Staff in sections concerned with procurement or contract work should report any such approach, particularly where it emanates from an outside employer with whom they or their staff have had official dealings, whether or not they are considering taking it up.

Applications

15. Departments and agencies must ensure that application forms are completed for all requests for approval for appointments under the rules. For this purpose:

- a. the applicant must be asked to supply:
 - full details of the proposed employment;
 - details of any official dealings with a prospective employer or with any other organisation, including any competitors of the prospective employer; and
- b. departments must ensure that they seek the comments of a countersigning officer who can verify, as far as possible, the information supplied by the applicant.

Departments are strongly recommended to adopt the Cabinet Office model form for applicants.

Terms of approval

16. Applications under these rules will be approved either:

- a. unconditionally; or
- b. subject to conditions which may apply for up to two years from the final day in Crown employment, or where different, the final day in post, as appropriate.

Conditions may include:

- a waiting period before taking up the appointment¹;
- an absolute or qualified ban on the involvement of the applicant in dealings between the prospective employer and the Government;
- a ban on the involvement by the applicant in dealings between the prospective employer and a named competitor (or competitors) of that employer;
- in the case of consultancies, a requirement to seek official approval before accepting commissions of a particular nature, or from named employers.

17. In view of their access to policy issues at the highest levels, all applications from Permanent Secretaries, including second Permanent Secretaries, and their direct equivalents which are referred to the Advisory Committee are subject to an automatic minimum waiting period of three months between leaving Crown employment and taking up an outside appointment, unless they have been appointed from outside the Civil Service on a limited period contract. The Advisory Committee has the discretion to recommend waiving the minimum waiting period if, in the Committee's view, the appointment is one which is entirely unconnected with the applicant's official knowledge and no questions of propriety arise. Although applicants serving on limited period contracts will not be required to serve the automatic waiting period, approval of applications may be

¹ if the Advisory Committee believes that the appointment is unsuitable, it may add that advice to its recommendation that the application be subject to a waiting period of two years, and that advice will be available for publication.

subject to waiting periods or other conditions in the same way as any other application.

18. Appointments approved by the Prime Minister on the advice of the Advisory Committee on Business Appointments which are subsequently taken up may be the subject of a public announcement. Staff at those levels are required to confirm to their department (or former department) their intentions to take up any appointment for which an application has been considered by the Committee. The new employer may wish to include a reference to the Prime Minister's approval in their own announcement of the appointment, and applicants should discuss with the department and the new employer the terms of the statement; in other cases, the Government reserves the right to publish the terms of the Prime Minister's decision. A consolidated record of all appointments taken up will be included in the Advisory Committee's annual report.

PROCEDURES FOR DEPARTMENTS AND AGENCIES

Making staff aware of the rules

19. Departments and agencies must:

- a. draw the attention of staff to the existence of the rules in letters of appointment. Departments and agencies are advised to take special care to explain to staff recruited from outside the Crown service either on secondment or on a limited period contract their position under the rules on appointment;
- b. include a copy of the rules in departmental and agency staff handbooks;
- c. issue regular reminders to staff at all levels about the rules and the circumstances in which they apply, concentrating on particular areas as necessary;
- d. require members of the Senior Civil Service in signing their contracts of employment to acknowledge in writing that they have seen and are conversant with the rules - and ask them to provide a further, similar acknowledgement on retirement or resignation from the Crown Service or at the end of a period appointment;

- e. remind all staff of the rules:
 - on retirement;
 - on resignation;
 - at the end of a limited period appointment.

(In the case of staff who resign or come to the end of a limited period appointment this should normally take the form of providing them with a copy of the rules and an application form. The Cabinet Office model application form incorporates the relevant extracts from the rules for this purpose.)

20. Departments and agencies are advised:

- a. to take all opportunities provided by letters of resignation, exit interviews and requests for references to check whether an application under the rules is necessary; and
- b. to ensure that personnel and line managers of staff working in areas which involve contact of a commercial nature with outside organisations, particularly on procurement or contract work, are issued with regular reminders to monitor resignations by staff employed in those areas to ensure that applications are made where necessary.

Approval of applications

21. Decisions on applications, other than those referred to the Prime Minister through the Advisory Committee and those by Special Advisers, rest with the Minister in charge of the Department after taking advice of the Cabinet Office as appropriate. The Minister may, however, approve arrangements under which defined categories of cases may be decided without reference to the Minister. Decisions on applications by Special Advisers taken at departmental level are the responsibility of the permanent Head of the Department after taking advice of the Cabinet Office, as appropriate, which may consult the Head of the Home Civil Service or refer the application to the Advisory Committee.

22. In cases where it is proposed to impose a waiting period or other conditions, applicants should be given the opportunity of having an interview with an appropriate departmental officer if they so choose.

23. There may be occasions when a Minister decides that the national interest is the overriding consideration, regardless of the circumstances of the case. In all such cases, the normal procedures for dealing with applications must first be followed, including reference to the Advisory Committee where that is appropriate. A decision that the national interest should override other considerations may only be taken by the Minister in charge of the department or, in the case of applications referred to the Advisory Committee, by the Prime Minister.

24. Departments and agencies must:

- a. inform prospective employers of any conditions which have been attached to the approval of an appointment;
- b. make a careful record of all decisions to approve appointments under the rules, noting in particular any conditions that were applied;
- c. submit quarterly statistical returns, including nil returns, of applications dealt with under the rules to the Cabinet Office in the form requested.

Procedure for dealing with applications

25. *All Permanent Secretary posts; other posts in departments which satisfy all of the following criteria: have a JESP score of 18 or more, have a pay range within the top three pay bands, and where the post reports direct to a Permanent Secretary or is itself the Head of a Department or Agency; and specialists and Special Advisers of equivalent standing.*

Applications are normally approved by the Prime Minister on the advice of the Advisory Committee on Business Appointments (apart from those from Special Advisers). All cases must be referred to the Cabinet Office which will refer them to the Advisory Committee unless the Head of the Home Civil Service agrees that such reference would be inappropriate, for example where the appointment is to a non-commercial body, such as a university. Applications from Special Advisers of equivalent standing will be approved by the Head of the Home Civil Service on the advice of the Advisory Committee.

26. *Other Heads of Department; other postholders in the Senior Civil Service in salary band 4 and above and in a post attracting a*

minimum JESP score of 13; and specialists and Special Advisers of equivalent standing.

All applications must be referred to the Cabinet Office which will consult the Head of the Home Civil Service.

27. *Other members of the Senior Civil Service; and specialists and Special Advisers of equivalent standing.*

Departments and agencies must consult the Cabinet Office unless:

- the applicant has had no official dealings with the prospective employer at any time during his or her period of Crown Service and there appears to be no risk of criticism; or
- the employment is with a non-commercial organisation.

28. Staff outside the Senior Civil Service.

Departments and agencies do not need to consult the Cabinet Office where:

- the applicant has had no official dealings with the prospective employer in the previous two years, or at most dealings of a casual nature; and
- there appears to be no risk of the disclosure of commercially sensitive information; or

- the appointment is with a non-commercial organisation.

29. Departments and agencies may refer any application to the Cabinet Office for advice. Any application may be referred to the Advisory Committee if the Head of the Home Civil Service and the Departmental Minister so agree.

30. When referring cases to the Cabinet Office departments must submit:

- a. a copy of a completed and countersigned application form;
- b. a covering letter, giving their own assessment of the application, including the outcome of any consultations with competitors of the prospective employer, and their proposed or recommended course of action.

31. Guidance for departments and agencies preparing assessments of applications for submission to Cabinet Office and considering applications for departmental approval is provided in Section 4.3 Annex B.

GUIDANCE FOR DEPARTMENTS AND AGENCIES ON THE RULES ON THE ACCEPTANCE OF OUTSIDE APPOINTMENTS BY CROWN SERVANTS

1. The rules are designed primarily to counter any suspicion that an appointment might be a “reward for past favours” granted by the applicant to the employer, or that a particular employer might gain an unfair advantage over its competitors by employing someone who had access to what they might legitimately regard as their own “trade secrets”.

2. An appointment might also be sensitive because of the employer’s relationship with the department and because of the nature of any information which the applicant possesses about Government policy.

3. While appointments must not only be but also be seen to be free from reproach and departments must therefore take account of public perception, departments should be prepared to defend an appointment which they were otherwise willing to approve when public concern can be shown to be unjustifiable.

The employer and the applicant

4. In most cases problems will occur only if the applicant has had some degree of contact with the prospective employer, giving rise to criticism that the post is a “reward for past favours”.

Departments are asked to take the following into account:

- a. how much of the contact was in the course of official duties;
- b. how significant was the contact;
- c. the nature of the proposed employment;
- d. the connection between the new job and the applicant’s previous official duties.

5. In order to establish whether the applicant was able to exert any degree of influence over the outcome of contractual or other dealings with the prospective employers, departments are advised to establish:

- a. whether the individual was acting as a member of a team, jointly with other individuals in the department or in

Government more widely, or taking sole responsibility;

- b. whether the employer benefitted substantially from such dealings;
- c. whether contact was direct;
- d. whether it was indirect (i.e. through those for whom the applicant was responsible, whether or not they normally worked for him or her).

6. Departments are advised to take into account contacts in the course of official duty which have taken place:

- a. at any time in the two years before resignation or retirement;
- b. earlier, where the association was of a continued or repeated nature.

7. Departments are advised to consider in particular whether the applicant has been:

- a. dealing with the receipt of tenders from the employer;
- b. dealing with the award of contracts to the employer;
- c. dealing with the administration or monitoring of contracts with the employer;
- d. giving professional or technical advice about such contracts whether before or after they were awarded;
- e. involved in dealings of an official but non-contractual nature with the employer (this is particularly important in the circumstances set out in paragraph 9 below).

8. Departments should consider the circumstances of an applicant’s departure as a component of considering each application on its merits. Staff-reduction policies will not justify reducing standards of propriety, or any weakening of the element of protection which the rules offer to third parties in respect of trade secrets. If a civil

servant is asked to retire, or is offered early retirement, at relatively short notice, or is unexpectedly made redundant, any presumption that he or she had been paving the way to subsequent employment by offering favours to potential employers may largely be removed. Conversely a protracted period of uncertainty might heighten concerns that individuals were anticipating redundancy by cultivating potential employers improperly. On balance, where departments and agencies intend to reduce numbers during a relatively short period of a year or so, unexpected departures should normally be considered as a factor mitigating any concerns on grounds of rewards.

The employer and the Government

9. The relationship of the prospective employer to the Government may be a relevant factor in considering applications. Departments are advised to pay special attention to appointments where the employer:

- a. has a contractual relationship with the department;
- b. is regulated by the department;
- c. receives subsidies, loans, guarantees or other forms of financial assistance from the department;
- d. is one in which the Government is a shareholder; or
- e. is one with which departments or branches of Government or the Armed Services are, as a matter of course, in a special relationship.

Overseas employers

10. The same considerations apply to foreign publicly-owned institutions or companies as to their UK counterparts. If the prospective employer is a foreign government, departments are advised to consider whether the applicant has information that would benefit that government to the detriment of HM Government or its allies. This can arise where the person:

- a. has been giving advice to HM Government on policies affecting the foreign government; or

- b. would have been in a position to gain special knowledge of HM Government's policies and intentions concerning the foreign government.

Government policy or business

11. Many Crown servants deal with private interests on behalf of the Government. They have special knowledge of how the Government would be likely to react in particular circumstances. Departments are advised to consider whether the application could be, or could be thought to be, significantly helpful to the employer in dealing with matters where policy is developing or legislation is being prepared in a way which might disadvantage competitors of that employer. This applies in particular to specific areas where:

- a. there has been a negotiating relationship between the Department and the employer;
- b. the applicant has been involved in policy discussions within the department leading to a decision of considerable benefit to the employer;
- c. the applicant has been involved in policy discussions within the department, knowledge of which might give the employer an improper advantage over its competitors; or
- d. where there is a risk of public criticism that the applicant might have scope to exploit contacts in his or her former department for commercial purposes.

In such cases, departments are asked to consider the implications of the applicant's joining the employer, and be guided accordingly.

The employer and competitors' trade secrets

12. Appointments might be criticised on the grounds that the applicant had access to information about his or her prospective employer's competitors which they could legitimately regard as "trade secrets". Concern on this score can arise whether or not the applicant has had previous dealings with the prospective employer. Departments are strongly advised to consult competitors as a matter of course preferably

using a standard letter based on the Cabinet Office model letter, to see whether they have any objections to the appointment.

Consultancies

13. Individuals who are to be employed on a consultancy basis (either for a firm of consultants or as an independent, self-employed consultant, competing for commissions in the open market—a “brass plate” consultancy) should be treated in the same way as other applicants under the rules. Extra care is needed, however, in dealing with such applications.

14. In the case of an applicant wishing to take up a salaried appointment with a firm of consultants, the “rewards for past favours” issue will relate almost exclusively to the nature of any previous dealings between the applicant and the firm he or she is seeking to join. Departments will, however, need to consider the “trade secrets” question both from the point of view of any competitors of the consultancy firm and then, more generally from the point of view of the service which the applicant will be offering on behalf of the consultant. It may be necessary to impose conditions on the appointment to protect the “trade secrets” of firms with which the applicant or the department had dealings.

15. Where an applicant wishes to set up a “brass plate” consultancy, the question of “rewards for past favours” does not arise in the usual way. But departments will wish to keep in mind the need:

- a. to counter any suspicion of impropriety that might arise if such individuals were to

be given lucrative contracts by clients with which they or their former departments had dealings; and

- b. to protect “trade secrets” to which such individuals may have had access. There may be circumstances in which it would be undesirable for an independent consultant to offer services to a particular client where he or she has had access to the trade secrets of a competitor of the client. The fact that the competitor might also be free to use the same consultant, but did not choose to do so would not make the information any less sensitive or negate the potential advantage which could be gained by the client.

In approving applications to set up “brass plate” consultancies departments will, therefore, need to consider carefully the imposition of conditions in cases where such considerations apply.

16. Departments will also need to consider whether to apply conditions limiting contacts between applicants proposing to work as consultants and their former departments. This may be particularly relevant in the case of staff at senior levels, where there is a risk of public criticism that they could be exploiting contacts in their former departments for commercial purposes.

ANNEX D: THE COMMITTEE'S RECOMMENDATIONS ON APPOINTMENTS TAKEN UP BY FORMER CROWN SERVANTS

1 April 2009-31 March 2010

The Committee's recommendations to the Prime Minister or to other Ministers on applications from former Crown servants are set out in this Annex. The following abbreviated terms have been used. In the cases of the recommendations marked †, a member of the Committee dissented from the advice given.

Entry	Explanation of recommendation
“Unconditional approval”	The applicant should be permitted to take up or accept the appointment immediately
“Approved, subject to (a condition)”	The application should be approved, subject to a (specified) condition
“Automatic three-month wait”	<p>The appointment could be taken up, subject only to the automatic waiting period of three months for Permanent Secretaries. NB. Unless they have been appointed from outside the Civil Service on a limited period contract, permanent secretaries, including second permanent secretaries, and their direct equivalents are subject to an automatic waiting period of three months between leaving Crown employment and taking up an outside appointment.</p> <p>(When an applicant sought permission after the automatic three-month waiting period had expired and there were no concerns about the appointment, the Committee's recommendation was unconditional approval)</p>
“Waiting period”	The applicant should wait for a (specified) period before taking up the appointment
“Noted and saw no difficulty”	The Committee was asked for advice after the appointment had been taken up (or announced) but saw no difficulty with it

Waiting periods and conditions run from the date that the applicant left Crown service, unless otherwise indicated.

The Committee's recommendation is shown only if an appointment has been taken up (or announced) during the period covered by this report (1 April 2009–31 March 2010)*. Recommendations on appointments taken up since 1 April 2010 or yet to be taken up will be included on the Committee's website <http://www.acoba.independent.gov.uk> and in the Committee's next annual report.

*The Annex excludes appointment taken up by former members of the security and intelligence agencies, in order to protect their identity. All such appointments were approved on the terms recommended by the Advisory Committee.

Name, former department and date of leaving service	Appointment	Advice and date tendered	Date taken up
Admiral Sir Jonathon Band GCB Ministry of Defence First Sea Lord & Chief of the Naval Staff November 2009	Non-executive Director Carnival Corporation & plc ⁹	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer, the normal automatic three-month waiting period being waived December 2009	Announced as being nominated for the role in February 2010 to be taken up in April 2010
Sir Brian Bender KCB Department for Business, Enterprise & Regulatory Reform Permanent Secretary April 2009	Chair of European Communication and Consultation Group Honda Motor Co. Ltd	Approved subject to the automatic three-month waiting period from his last day of service and the condition that, for 12 months from the same date, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer May 2009	August 2009 (Chaired first meeting in November 2009)
	Associate Criticaleye	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer or its members September 2009	October 2009
	Adviser British Standards Institute (BSI)	Unconditional approval September 2009	October 2009
The Rt Hon Paul Boateng Foreign & Commonwealth Office British High Commissioner Pretoria July 2009 (last day in post May 2009)	Non-executive Director Aegis Defence Services Ltd ¹⁰	Approved subject to the conditions that, for six months from his last day in post, he should not return to South Africa for business purposes, give advice on it, or have dealings with companies there, and, for 12 months from that same date, he should not be personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of his new employer or the Private Military and Security sector as a whole October 2009	November 2009
Desmond Bowen CMG Ministry of Defence Policy Director October 2008	Independent Consultant Advising a range of public and private sector clients on defence strategy, evolving threats and related security policy matters	Approved subject to the condition that, for 12 months from his last day of service, he should not become personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of any of his clients July 2009	First commission accepted in March 2010, as Visiting Professor, University of Reading
Sir Geoffrey Bowman KCB QC HM Revenue & Customs Tax Law Rewrite Project (part-time re-engagement) (formerly First Parliamentary Counsel, Cabinet Office) September 2008 (last day in post as First Parliamentary Counsel July 2006)	Senior Research Fellow Institute of Advanced Legal Studies, University of London	Unconditional approval December 2009	December 2009
	Member of Advisory Council Institute of Advanced Legal Studies, University of London	Unconditional approval December 2009	December 2009

⁹ Dame Juliet recused herself from the Committee's consideration of this appointment as she had a shareholding in the employing company.

¹⁰ Lord Dholakia recused himself from the Committee's consideration of this appointment as he is a friend of Mr Boateng.

Name, former department and date of leaving service	Appointment	Advice and date tendered	Date taken up
Sir Tony Brenton KCMG Foreign & Commonwealth Office HM Ambassador Moscow March 2009 (last day in post September 2008)	Adviser Lloyds of London	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his employer April 2009	April 2009
Dr Mark Britnell Department of Health Director General, Commissioning and System Management September 2009 (last day in post June 2009)	Partner & Head of Healthcare, UK & Europe KPMG LLP	Approved subject to a waiting period of three months from his last day of service and the condition that, for 12 months from the same date, he should not be personally involved in lobbying UK Ministers or Crown servants, including Special Advisers, on behalf of KPMG June 2009	October 2009
Dr Peter Collecott CMG Foreign & Commonwealth Office HM Ambassador Brasilia May 2009 (last day in post November 2008)	Adviser BG Group plc	Approved subject to a waiting period of six months from his last day in post and the condition that, for 12 months from the same date, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer February 2009	June 2009
	Adviser Smiths Group plc ¹¹	Approved subject to the condition that, for 12 months from his last day in post, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer July 2009	August 2009
	Consultant G4S plc.	Approved subject to the condition that, for 12 months from his last day in post, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer September 2009	September 2009
Sir Graham Fry KCMG Foreign & Commonwealth Office HM Ambassador Tokyo September 2008 (last day in post July 2008)	Adviser Sumitomo Corporation Europe Ltd †	Approved subject to the condition that, for 12 months from his last day in post, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer May 2009	June 2009
David Gould CB Ministry of Defence Chief Operating Officer, Defence Equipment & Support March 2008	Non-executive Director VEGA Consulting Services Ltd †	Approved subject to the conditions that, for 12 months from his last day of service, he should not be personally involved in direct negotiations with the MOD or in lobbying MOD Ministers or Crown servants, including Special Advisers, on behalf of VEGA, any other Finmeccanica company, or any consortium they may join to bid for MOD business March 2009	May 2009
	Consultant: G4S plc JRA Aerospace Ltd RFD Beaufort Ltd	Unconditional approval June 2009	June 2009

¹¹ Lord Lang recused himself from the Committee's consideration of this appointment as he had a shareholding in the employing company.

Name, former department and date of leaving service	Appointment	Advice and date tendered	Date taken up
Richard Granger Department of Health Director General of NHS IT and CEO of NHS Connecting for Health January 2008	Geological consultant Various overseas clients	Unconditional approval July 2009	First commission accepted in July 2009
Sir John Grant KCMG Foreign & Commonwealth Office UK Permanent Representative to the EU September 2007	Executive Vice President, Policy & Corporate Affairs BG Group plc	Unconditional approval May 2009	September 2009
General Sir Timothy Granville-Chapman GBE KCB Ministry of Defence Vice Chief of Defence Staff October 2009	Director, Defence and National Rehabilitation Centre Project	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer or related benefactors, the normal automatic 3-month waiting period being waived December 2009	January 2010
Michael Hanson HM Revenue & Customs Director General, Benefits and Credits December 2008	Advisory Partner PricewaterhouseC oopers LLP	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer June 2009	June 2009
	Central Government Advisor Mace Group	Unconditional approval January 2010	January 2010
John Kingman HM Treasury Chief Executive, UK Financial Investments Ltd (and formerly Second Permanent Secretary) December 2009	Managing Director NM Rothschild & Sons Ltd	Approved subject to the automatic three-month waiting period from his last day of service and the conditions that, for 12 months from the same date, he should not advise UKFI, Royal Bank of Scotland, Lloyds Banking Group, Northern Rock or Bradford & Bingley, or be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, the Financial Services Authority or the Bank of England on behalf of his new employer or their clients November 2009	Announced in November 2009 to be taken up in March 2010
Richard Manning CB Department for International Development Director General (last post, secondment as Chair of Development Assistance Committee, Organisation for Economic Co- operation and Development (OECD), Paris) February 2008	Co-chair (with the UN Secretary General) of Fund's replenishment negotiations Global Fund for Aids, Tuberculosis and Malaria	Unconditional approval September 2009	September 2009

Name, former department and date of leaving service	Appointment	Advice and date tendered	Date taken up
Sir David Pepper KCMG Government Communications Headquarters Director October 2008 (last day in post July 2008)	Strategic Adviser Defence Strategy & Solutions LLP †	Approved subject to a waiting period of 12 months from his last day in post and the condition that, for two years the same date, he should not be personally involved in lobbying the UK Security & Intelligence Agencies on behalf of his new employer June 2009	July 2009
	Member of Advisory Board Thales UK	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer August 2009	September 2009
Sir Jonathan Phillips KCB Northern Ireland Office Permanent Secretary June 2010	Warden Keble College, Oxford	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer, the normal automatic three-month waiting period being waived January 2010	Announced in October 2009 to be taken up in October 2010
William Rickett CB Department of Energy and Climate Change Director General, Energy Group October 2009	Senior Adviser Cambridge Economic Policy Associates Ltd	Approved subject to the conditions that, for six months from his last day of service, he should not be engaged in any work in the UK energy sector and, for 12 months from the same date, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer November 2009	January 2010
	Non-executive Director New and Renewable Energy Centre Limited	Approved subject to a waiting period of 12 months from his last day of service November 2009	Announced in January 2010 to be taken up in October 2010
Campbell Robb Cabinet Office Director General of the Office of the Third Sector and Social Exclusion December 2009	Chief Executive Shelter	Approved subject to the conditions that, for six months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer, and, for the same period, he should not play any part in the preparation of bids for Government funding or Government contracts for advice or other services October 2009	January 2010
Archie Robertson OBE Highways Agency Chief Executive Officer June 2008	Non-executive Director Capita Symonds Ltd	Unconditional approval June 2009	June 2009
	Non-executive Director ASI Solutions Ltd	Unconditional approval September 2009	September 2009

Name, former department and date of leaving service	Appointment	Advice and date tendered	Date taken up
Sir John Scarlett KCMG OBE Chief of the Secret Intelligence Service October 2009	Member of the Advisory Board Pricewaterhouse Coopers LLP	Approved subject to the normal, automatic three month waiting period from his last day in service and the condition that, for 12 months from the same date, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employers, their partners or clients January 2010	February 2010
	Consultant Pricewaterhouse Coopers LLP	Approved subject to the conditions that, for 12 months from his last day in service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer or their clients, or have any direct dealings with the intelligence agencies concerning any bids for new work or the development of existing work made by same February 2010	February 2010
	Senior Adviser Morgan Stanley UK	Approved subject to the condition that, for 12 months from his last day of service, he should not become personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employers or their clients March 2010	March 2010
Paul Stein Ministry of Defence Director General, Science & Technology December 2009	Chief Scientific Officer Rolls Royce plc ¹²	Approved subject to the conditions that, for 12 months from his last day of service, he should not be personally involved in lobbying MOD Ministers or Crown servants, including Special Advisers, on behalf of his new employer, and, for the same period, he should not play any part in assisting his new employer bid for any new MOD contracts. As an additional safeguard the Committee asked for, and received, written confirmation from the company that they understood the conditions recommended by the Committee and would abide by them if imposed December 2009	January 2010
Ralph Tabberer Department for Children, Schools and Families Director General, Schools April 2009 (last day in post May 2008)	Chief Officer Schools GEMS Education	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new employer March 2009	April 2009
Ruth Thompson Department for Innovation, Universities and Skills Director General, Higher Education April 2009	Independent Consultant (HE best practice and policy foresight matters) Various universities and HE colleges	Approved subject to the condition that, for 12 months from her last day of service, she should not be personally involved in lobbying BIS Ministers or Crown servants, including Special Advisers, on behalf of her clients July 2009	First commission accepted in September 2009
Catherine Wilcher HM Revenue & Customs Chief People Officer November 2009	Human Resources Prudential plc	Noted and saw no difficulty, provided that she did not become personally involved in lobbying HM Treasury Ministers or HMRC Crown servants, including Special Advisers, on behalf of her new employer or their clients December 2009	November 2009

¹² Dame Juliet Wheldon recused herself from the Committee's consideration of this appointment as she had a shareholding in the employing company

Name, former department and date of leaving service	Appointment	Advice and date tendered	Date taken up
John Williams Ministry of Defence Special Adviser to the Secretary of State	Independent Consultant Fujitsu Services Ltd	Approved subject to the condition that, for 12 months from his last day of service, he should not be personally involved in lobbying UK Government Ministers or Crown servants, including Special Advisers, on behalf of his new client	November 2009
June 2009	Independent Consultant Equiniti Ltd	November 2009	
	Independent Consultant Odgers Berndtson		

Tables 1 and 2 - The figures in these tables relate to all applications referred to the Cabinet Office under the Rules and not just those considered by the Advisory Committee itself. The figures will also include applications where advice has been given but where appointments have yet to be taken up.

TABLE 1

Applications referred to the Cabinet Office in 2009-10

DEPARTMENT	APPLICANTS	APPLICATIONS	APPROVED UNCONDITIONALLY	APPROVED SUBJECT TO CONDITIONS
Business, Enterprise and Regulatory Reform	1	4	1	3
Business, Innovation & Skills	8	10	-	10
Cabinet Office	3	3	-	3
Chief Whip's Office	1	1	1	0
Children, Schools and Families	3	3	-	3
Culture, Media and Sport	2	3	3	-
Defence (Civilian)	6	25	3	22
Defence (HM Forces)	7	15	2	13
Foreign & Commonwealth Office	9	12	2	10
Government Communications Headquarters	1	2	-	2
Government Offices for the English Regions	1	1	0	1
Health	21	26	9	17
Highways Agency	3	4	3	1
Home Office	1	1	1	-
Innovation, Universities and Skills	1	1	-	1
International Development	1	1	1	-
HM Land Registry	1	1	1	-
Meat Hygiene Service	2	2	2	-
Ministry of Justice	1	1	1	-
National Archives	1	1	1	-
National School of Government	2	2	-	2
Northern Ireland Office	1	1	-	1
Office for Standards in Education	5	6	1	5
Parliamentary Council	1	2	2	-
HM Revenue and Customs	4	5	2	3
Scottish Executive	2	8	-	8
Secret Intelligence Service	2	2	-	2
Security Service	1	3	-	3
Transport	2	4	2	2
Transport Scotland	1	3	1	2
HM Treasury	3	3	-	3
UK Border Agency	1	1	-	1
Work and Pensions	3	4	-	4
TOTAL	102	161	39	122

TABLE 2

Applicants whose applications were referred to the Cabinet Office in 2009-10, categorised by reason for leaving Crown service

Reason For Leaving	Number of Applications
Normal Retirement Age	35
Early Retirement	13
Resignation	43
Secondment Ending	2
End of Contract	6
Redundancy	2
Career Break	1
TOTAL	102

Tables 3, 4 and 5 - Figures will include applications where advice has been given but where appointments have yet to be taken up

TABLE 3

Applications considered by the Advisory Committee in 2009-10, categorised by department and outcome

Department	Applicants	Applications	Approved Unconditionally	Approved Subject to Conditions
Business, Enterprise and Regulatory Reform	1	4	1	3
Business, Innovation & Skills	3	5	-	5
Cabinet Office	1	1	-	1
Defence (Civilian)	5	23	3	20
Defence (HM Forces)	2	4	-	4
Foreign & Commonwealth Office	5	6	1	5
Government Communications Headquarters	1	2	-	2
Health	2	2	1	1
Innovation, Universities and Skills	1	1	-	1
International Development	1	1	1	-
Northern Ireland Office	1	1	-	1
HM Revenue and Customs	2	3	1	2
Parliamentary Counsel	1	2	2	-
Security Service	1	3	-	3
Transport	1	3	2	1
HM Treasury	1	1	-	1
TOTAL	29	62	12	50

Summary of Applications

	Waiting Period Length	Number of Applications	Behavioural Condition Length
<i>Applications approved unconditionally</i>	-	12	-
<i>Approved subject to waiting period only</i>	3 months	1	-
	9 months	1	-
	12 months	1	-
	24 months	1	-
<i>Approved with waiting period & behavioural conditions</i>	3 months	5	all 12 months
	6 months	2	all 12 months
	12 months	1	24 months
<i>Approved subject to behavioural conditions only</i>	-	38	all 12 months
TOTAL	-	62	-

TABLE 4

Applications considered by the Advisory Committee in 2009-10, categorised by department and reason for leaving Crown service

DEPARTMENT	NORMAL AGE RETIREMENT	EARLY RETIREMENT	RESIGNATION	END OF CONTRACT	SECONDMENT ENDING
Business, Enterprise and Regulatory Reform	1	-	-	-	-
Business, Innovation & Skills	1	1	1	-	-
Cabinet Office	-	-	1	-	-
Defence (Civilian)	2	1	1	1	-
Defence (HM Forces)	2	-	-	-	-
Foreign & Commonwealth Office	3	1	-	1	-
Government Communications Headquarters	1	-	-	-	-
Health	-	-	1	-	1
Innovation, Universities and Skills	-	1	-	-	-
International Development	1	-	-	-	-
Northern Ireland Office	-	-	1	-	-
HM Revenue and Customs	1	-	1	-	-
Parliamentary Counsel	1	-	-	-	-
Security Service	1	-	-	-	-
Transport	-	-	-	1	-
HM Treasury	-	-	1	-	-
TOTALS	14	4	7	3	1

TABLE 5

Applications considered by the Advisory Committee in 2009-10, categorised by department and nature of new employment

DEPARTMENT	BOARD LEVEL/ SENIOR MANAGEMENT	CONSULTANT/ ADVISER	OTHER
Business, Enterprise and Regulatory Reform	1	1	2
Business, Innovation & Skills	2	2	1
Cabinet Office	1	-	-
Defence (Civilian)	3	19	1
Defence (HM Forces)	4	-	-
Foreign & Commonwealth Office	2	4	-
Government Communications Headquarters	1	1	-
Health	-	-	2
Innovation, Universities and Skills	-	1	-
International Development	1	-	-
Northern Ireland Office	-	-	1
HM Revenue and Customs	1	2	-
Parliamentary Counsel	-	-	2
Security Service	-	3	-
Transport	2	-	1
HM Treasury	-	1	-
TOTALS	18	34	10



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Publication Date: December 2010

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