

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 (eg 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 Committees 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.