



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Simon Baugh, Chief Executive, Government Communication Service, Cabinet Office - application to establish an Independent Consultancy

1. Mr Baugh sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Crown servants (the Rules) seeking advice to establish an independent consultancy.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions Mr Baugh took during his time in office, alongside the information and influence he may offer his independent consultancy and its clients. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's¹ 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 Rules² set out that former Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

¹ This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Baroness Thornton and Michael Prescott, Dawid Konotey-Ahulu CBE was absent.

² 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. Mr Baugh described his independent consultancy as providing advisory services in relation to the following:
 - strategic communications;
 - communications capability;
 - crisis preparedness.
6. The Cabinet Office confirmed it does not consider Mr Baugh to have been involved in any decisions that would likely have unfairly benefitted his potential future clients.
7. It would not be improper for Mr Baugh to operate a consultancy which draws on skills, publicly available information and experience gained from his time in government. The Cabinet Office is not aware of any specific privileged information that could offer clients an unfair advantage. The risks in this case are significantly limited in respect of his access to information, given the nature of Mr Baugh's role in office. In particular, , for the most part, the point at which he would have had access to information would be close to the point information is entering the public domain. Mr Baugh's role was not to formulate or decide on policy but rather to coordinate cross government communications and deliver the Government Communications Service.
8. The main risk in this case is related to Mr Baugh's network and influence within government, and the potential for him to offer his clients unfair access and influence within government.

The Committee's advice

9. The Committee agreed with the Cabinet Office that the risks associated with Mr Baugh's access to privileged information are limited. Therefore, the condition that is typically applied in independent consultancy cases, requiring the individual to return to the committee to seek advice for each new commission was considered disproportionate. The Committee determined the main risk in this case was Mr Baugh's access to contacts in government and the potential for him to lobby government on behalf of clients. The Committee agreed that imposing a ban on direct engagement with the UK government on behalf of clients would appropriately mitigate this risk.
10. All potential clients must be notified of this advice, and when seeking work/new clients, he must adhere to the conditions below. Under the government's Business Appointment Rules, the Committee advises that the following conditions apply to Mr Baugh's Independent Consultancy.
 - 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 those he advises under his independent consultancy (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 contacts to influence policy, secure business/funding or otherwise unfairly advantage those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients);
 - for two years from his last day in Crown service, he should not provide advice to or on behalf of those he advises under his independent consultancy (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 UK government or any of its arm's length bodies;
 - for two years from his last day in Crown service he should not have any engagement on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries, partners, clients and members) with the UK government.
11. 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' Interests³. 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.
12. 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.
13. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant 'should not engage in communication with government 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.'

³ 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.

14. Mr Baugh must inform us as soon as this consultancy goes live or it is announced. Similarly, he must seek advice if he proposes to extend or otherwise change his role with the organisation.
15. Once this appointment has been publicly announced or taken up, the advice letter will be published.

Annex - Material Information

The role

1. Mr Baugh described his consultancy as providing independent advice in the following areas:
 - Strategic communications advice - Designing communication strategies for clients that shape public attitudes and behaviours in support of business outcomes.
 - Communications capability advice - Advising on how to make a client's communications function more efficient, effective and fit for today's complex media environment, including by incorporating new technology
 - Crisis preparedness advice - Helping organisations to prepare for potential risks so that they are able to respond more effectively in a crisis.

Department Assessment

2. The Cabinet Office confirmed the details provided by Mr Baugh on his application. It did not have any concerns regarding his access to privileged information and confirmed he did not make any decisions in office relevant to his independent consultancy.
3. The Cabinet Office recommended standard conditions for an independent consultancy with the expectation that Mr Baugh will return to the committee for each commission.
4. The Cabinet Office accepted Mr Baugh's request to amend the standard conditions for independent consultancies and remove the requirement to return to the Committee for each commission.

