



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

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### **BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Gen Sir Nick Carter, former Chief of the Defence Staff at the Ministry of Defence. An unpaid appointment with the Hoover Institution at Stanford University.**

1. Gen Sir Nick sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointment Rules for Former Crown Servants (the Rules) on an unpaid role he wants to take up with the Hoover Institution at the Stanford University (Hoover Institution). The material information taken into consideration by the Committee is set out in the annex.
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 made during time in office, alongside the information and influence a former Crown servant may offer Hoover Institution.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the Government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment for a former Chief of the Defence Staff in any other respect.
4. The Rules<sup>1</sup> set out that 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

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<sup>1</sup> Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code

5. When considering this application, the Committee<sup>2</sup> took into account this appointment as a distinguished visiting fellow is unpaid<sup>3</sup>. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of the Government by considering the real and perceived risks associated with former ministers joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. The Committee noted that as the former Chief of the Defence Staff at the Ministry of Defence there is an inherent risk Gen Sir Nick could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit the Hoover Institution. However, the unpaid nature of this appointment limits the real and perceived risk of him making improper use of information he had access to while in office for his personal benefit and he has an ongoing duty of confidentiality.

#### The Committee's advice

7. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. Whilst there are inherent risks associated with Gen Sir Nick access to sensitive information and contacts, the standard conditions below, preventing him from drawing on his privileged information and using his contacts to the unfair advantage of his new employer, will sufficiently mitigate in this case.
8. Under the Government's Business Appointment Rules, all former Chief of the Defence Staff, such as Gen Sir Nick are subject to a 3 month waiting period to provide a gap between access to sensitive information at the highest levels of government and, taking up any outside appointment.
9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **the Hoover Institution at Stanford University** be subject to the following conditions:
  - a waiting period of three months from his last day in Crown service;
  - 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;

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<sup>2</sup> This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles; Mike Weir; Lord Larry Whitty. Isabel Doverty and Richard Thomas were unavailable.

<sup>3</sup>By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

- for two years from 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 the Hoover Institution at Stanford University (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage the Hoover Institution at Stanford University (including parent companies, subsidiaries, partners and clients);
  - for two years from his last day in Crown service he should not provide advice to the Hoover Institution at Stanford University on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government or any of its Arm's Length Bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
  11. By 'privileged information' we mean official information to which a minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Ministerial Code/Civil Service Code or otherwise.
  12. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"
  13. Gen Sir Nick must inform us as soon as he takes up this work or if it is announced that he will do so. We shall otherwise not be able to deal with any enquiries since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether Gen Sir Nick has complied with the Civil Service code. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.
  14. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Isabella Wynn  
Committee Secretariat

## Annex - Material information

### The role

1. Gen Sir Nick said the '*...Hoover Institution focuses on scholarly and empirical research that asks bold questions, offers powerful solutions for policy makers, and advances ideas that improve people's lives. It does this through scholarship, teaching, publishing, and outreach*'.
2. The website states it advances '*...the principles of freedom through the wide-ranging policy scholarship of an interdisciplinary group of Hoover fellows and through access to the greatest archival collections on war, revolution, and peace assembled in the modern era. Our focus is on scholarly and empirical research that asks bold questions, offers powerful solutions for policy makers, and advances ideas that improve people's lives*'. The Hoover Institution on War, Revolution, and Peace, is a conservative American public policy think tank and research institution that promotes personal and economic liberty, free enterprise, and limited government. While the institution is formally a unit of Stanford University, it maintains an independent board of overseers and relies on its own income and donations.
3. Gen Sir Nick said as a Fellow he will be interacting with students, fellows, faculty and research staff. He said he will lecture, lead study group sessions, and conduct research. He said his role will not involve contact with government.

### Dealings in office

4. Gen Sir Nick stated he did not meet with the Hoover Institution while in office. He stated he had no involvement in any commercial or contractual decisions regarding the organisation. He also had no commercially sensitive information on the Hoover Institution or their competitors.

### Department Assessment

5. The MOD confirmed the details provided by Gen Sir Nick in his application. The MOD stated he '*...will have developed an understanding of the landscape of involvement of academic institutions, such as his proposed employer, with governments, and defence and security organisations, he will not have been involved in developing an understanding of the detail of their commercial strategy or exposure*'. Therefore it said the risk of perception of advantage over other academic institutions operating in the defence and security space, is low.

6. The MOD noted Gen Sir Nick had the highest levels of influence across UK and international governments on all matters related to defence and security. However, given that his role with Stanford does not involve any interaction with Defence officials or leaders in foreign governments, and given the Hoover Institution's academic focus, the risk perception of undue profit by access to his UK or overseas defence network, is low.

7. The department saw no concerns with this appointment, adding that the

standard conditions should be applied.

