



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: General Sir Nick Carter GCB CBE DSO ADC Gen, former Chief of the Defence Staff at the Ministry of Defence. Paid appointment with Apolitical.

1. Gen Sir Nick sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on an appointment he wishes to take up with Apolitical as a Board member. 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 Gen Sir Nick's time in office, alongside the information and influence a former Chief of the Defence Staff may offer Apolitical.
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 Crown servant in any other respect.
4. The Rules¹ 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 risk presented

¹ 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. The Committee² noted there is no relationship between Apolitical and the Ministry of Defence (MOD). Gen Sir Nick did not meet with, nor make any decisions specific to the company. The Committee therefore considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
6. Apolitical is not a defence company, it offers a training service and information platform for public servants. The MOD confirmed Gen Sir Nick has not had access to information that could provide an unfair advantage. It has been almost 11 months since he last had access to privileged information at the MOD, reducing the risks associated. It is also relevant that Gen Sir Nick is prevented from drawing on privileged information from his time in office and has an ongoing duty of confidentiality.
7. The Committee agreed with the MOD that there could be risks associated with his network, as the former Chief of the Defence Staff - he will have gained contacts in the UK and internationally within other governments and private companies.

The Committee's advice

8. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Gen Sir Nick cannot make use of his access to privileged information, contacts or influence gained from his time in Crown service to the unfair advantage of Apolitical.
9. The Committee advises under the government's Business Appointment Rules that Gen Sir Nick's appointment with **Apolitical** be subject to the following conditions:
 - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
 - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of Apolitical (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Apolitical (including parent companies, subsidiaries, partners and clients);
 - for two years from his last day in Crown service, he should not provide advice to Apolitical (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid

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

or contract with, or relating directly to the work of the UK government, the Ministry of Defence or its trading funds; and

- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during his time in office in external organisations (including other governments) for the purpose of securing business for Apolitical (including parent companies, subsidiaries and partners).
10. The advice and the conditions under the government's Business Appointment Rules relate to Gen Sir Nick's previous roles 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 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 employment with this organisation, or if it is announced that he will do so, by emailing the office at the above address. 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 Rules.
 14. Gen Sir Nick also needs to inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
 15. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours Sincerely,

Annex - Material information

The role

1. Gen Sir Nick said 'Apolitical is a global network and learning platform for public servants'. The website states it helps individuals '...build the knowledge, skills, and connections you need to succeed in the public service'. It offers courses, articles, events and Q&A sessions.
2. Gen Sir Nick said he would be determining the company's strategic objectives and policies; monitoring progress towards achieving the objectives and policies; supporting with the appointment of senior management; accounting for the company's activities to investors and shareholders; and providing advice on product strategy. Gen Sir Nick said he would not have any contact with government in this role.

Dealings in office

3. Gen Sir Nick advised the Committee he did not meet with Apolitical whilst in office; had no involvement in any policy development or decisions that would have been specific to the company; and held no commercial or contractual responsibilities relating to it.

Department Assessment

4. The MOD confirmed the details Gen Sir Nick provided.
5. The MOD said Gen Sir Nick will have had contact with other career development networking organisations during his time as CDS, but he will have had no direct involvement in any of the MOD's relationships with such companies and organisations, and said '*...there is no risk that this appointment could be perceived to cause an unfair detriment to potential competitors of apolitical*'.
6. MOD said Gen Sir Nick will have had the highest levels of influence in the UK and internationally on all matters related to defence and security. It noted though Gen Sir Nick's proposed role is internally focussed, but considered there could be a perception of undue profit should he become personally involved in using his defence contacts to win business for Apolitical, or to deliver their business.
7. The MOD recommended this appointment be subject to conditions which prevent:
 - use of privileged access to information
 - lobbying of the UK government
 - making improper use of contacts gained in post outside of the MOD and

- government in the UK and overseas
- involvement in bids and contracts with the MOD/ UK government.