



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

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28 June 2017

By email:  
[request-410121-9495d6a1@whatdotheyknow.com](mailto:request-410121-9495d6a1@whatdotheyknow.com)

Dear Mr Smith

I am responding to your request for information under the Freedom of Information Act 2000 (the Act) which we received on 5 June 2017.

In your email request you said:

*'Sir Richard Dearlove, former Head of M16 was permitted to be an advisor to The Monitor Group.'*

*Given the documented work that The Monitor Group completed for the Libyan government, for the Gaddafi regime, what consideration was given to this appointment being a conflict of interest?*

*Can your department confirm whether it is still satisfied that this appointment did not breach the Civil Service Management Code, given what appears to be a clear conflict of interests?'*

In a follow up email you asked the following subsequent questions;

- *'I'd also like to know if you feel that the Civil Service Management Code could have been broken in terms of Sir Richard Dearloves appointment to the Ergo advisory board, a company whose main line of business is gathering intelligence, including intelligence for Government organisations and if not why.'*
- *'Should this and The Monitor Group appointment have been permitted?'*
- *'How did your committee decide there was no conflict of interests?'*

## Background

It might help to explain that ACOBA's role is to provide advice on applications submitted under the Government's Business Appointment Rules (the Rules). In doing so it advises on the conditions that should apply to appointments or employment under the Rules for Former Ministers and the most senior Crown Servants, which apply for two years after they leave office. It is not the Committee's role to pass judgment on the appointment/employment with regard to other matters, or to approve it.

ACOBA applies the Rules, which seek to counter suspicion that:

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

## Our process in dealing with applications for advice from senior Crown servants

Applicants must complete a standard application form which is available on the Committee's website. The form requests details of their current and previous posts as well as information on the proposed appointment, including whether or not it was advertised and if it will involve dealings with their former Department or government more generally. Applicants must also state if they have had any contractual or official dealings with their prospective employer, competitors of their prospective employer or the sector in which the employer operates over the previous two years; and if they have been involved in policy development or the award of grants that could affect either the prospective employer or its competitors.

Applicants must submit the application to both their countersigning officer and the Department's HR division for them to provide their assessments. The Department then sends the completed application to the Committee's secretariat. The Committee draws on the information provided by the Department and countersigning officer to inform its consideration of the application. The Committee considers each case individually against the Rules. It collects wider evidence where necessary and will conduct its own research. In some instances the Committee will meet applicants to discuss the proposed appointment further.

The Committee will then reach a view on whether there should be any restrictions on the applicant taking up the proposed appointment. Once the Committee has agreed its advice it writes to the relevant final decision-maker (whether Minister or Permanent Secretary), who then considers the application and the Committee's recommendation. Once he or she has made the decision the Committee is informed, as are the Department and applicant.

## Response

I can confirm that we do not hold information relevant to your request, other than that which is already in the public domain. I should explain that Sir Richard left his post as Head of the Secret Intelligence Service in 2004, and was therefore subject to the Rules between 2004 and 2006. The details of the advice provided are contained in the annual reports for the relevant years.

In relation to Sir Richard's appointment with The Monitor Group, we can see from the Annual Report for 2004/2005 (which can be found [here](#)), that Sir Richard applied to become a Senior Adviser at the Monitor Group and the Committee advised that the appointment should be subject to a three month waiting period. We hold no other relevant information.

You have also asked a number of questions about the Committee's consideration of this appointment and ACOBA's view now:

- ***'Given the documented work that The Monitor Group completed for the Libyan government, for the Gaddafi regime, what consideration was given to this appointment being a conflict of interest?'***
- ***'Can your department confirm whether it is still satisfied that this appointment did not breach the Civil Service Management Code, given what appears to be a clear conflict of interests?'***
- ***'Should this [an appointment with Ergo] and The Monitor Group appointment have been permitted?'***
- ***'How did your committee decide there was no conflict of interests?'***

As above, I can confirm that ACOBA does not hold the answer to these questions as recorded information. However, I would refer you to the second page of this letter, which seeks to provide an explanation of our role and the current process followed in considering applications received from senior Crown Servants.

Additionally you asked for information relevant to Sir Richard's appointment with Ergo:

- ***'I'd also like to know if you feel that the Civil Service Management Code could have been broken in terms of Sir Richard Dearlove's appointment to the Ergo advisory board, a company whose main line of business is gathering intelligence, including intelligence for Government organisations and if not why.'***

I can confirm that we hold no recorded information about this appointment. It appears that this role was taken up in 2013, at which point Sir Richard would no longer be subject to the Rules (which apply for two years after leaving office).

## **Next steps**

If you are unhappy with this response to your request, you may write to the senior manager with responsibility for ACOBA, Peter Lawrence, at the address below to ask for an internal review. Please note that we will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

Peter Lawrence  
Room G/08, 1 Horse Guards Road  
London  
SW1A 2HQ  
Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

If you are not then content with the reply, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

Catriona Marshall  
**Committee Secretariat**