



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/5 Ground Floor, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0842

Email: office@acoba.gsi.gov.uk

Website: <http://acoba.independent.gov.uk>

Chief Executive's Office
HM Revenue and Customs

19 March 2013

Dear Virginia

BUSINESS APPOINTMENT APPLICATION: MICHAEL FALVEY

The Committee has been asked to consider an application from Mr Michael Falvey the current Chief People Officer at HMRC, who is seeking permission to accept a full-time, paid appointment as Corporate Services Director to Four Seasons Health Care (FSHC). Mr Falvey has resigned from his post and his last day in Crown service will be on 30 April 2013.

When considering this application, the Committee noted there will be no contact and/or dealings with his former Department. The Committee took into account that FSHC does from time to time have dealings/contact with the Department of Health and the NHS; however, these meetings are at a strategic level and are led by the Chief Executive and the Non-Executive Chairman. The Committee took into account that there is a possibility that, with his responsibility for stakeholder relations, the Corporate Services Director might be called upon (on occasion) to support the ongoing relationship. The Committee noted that Mr Falvey did not have official or contractual dealings and has not been responsible for people who have had contractual dealings with his prospective employer during his last two years of service. Furthermore, it took into account that he has not had access to commercially sensitive information about any competitors or been involved in the development or administration of any departmental policy or decisions (including the award of grants) that could have affected his prospective employer or its competitors.

The Prime Minister has accepted the Committee's recommendation that this application be approved subject to the condition that, for two years from his last day of service, Mr Falvey should not:

- draw on any privileged information available to him whilst in Crown service; and
- become personally involved in lobbying Government on behalf of his new employer, its parent company or its clients.

The Business Appointment Rules define lobbying in the following way: "Lobbying in this context means that the former civil servant should not engage in communication with Government - including Ministers, special advisers and officials - with a view to influencing a Government decision or policy in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted".

I should also be grateful if you could ensure that we are informed as soon as Mr Falvey takes up the employment with FSHC, or if it is announced that he will do so (I enclose a form for this purpose). We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

Yours sincerely,



Dean Ponder
Committee Secretariat