

The Rt Hon Theresa May MP
The Prime Minister
10 Downing Street
London
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7 November 2018

Dear Prime Minister

'Adverse publicity' clauses in government contracts

I am writing following today's Times article, '*Gagging clauses: Criticism of Theresa May banned in Grenfell safety deal*', to seek clarification around the use of 'adverse publicity' clauses in government contracts across a range of areas, including major projects that are likely to be the subject of policy debate and discussion. I wrote to the Secretary of State for Work and Pensions on 12 October with regard to a previous Times article highlighting the use of these clauses in back-to-work programmes, to which I have not yet received a reply.

These articles suggest that these clauses may inhibit charities, and other providers, from speaking out about the experience of the people they work with, thereby preventing the provision of vital insights and expertise which improve policy-making, both through their conversations with government as well as informing wider public policy.

The government has long recognised that voluntary organisations play a much-needed role in policy development and shaping regulatory reform. Our democracy is stronger when civil society plays an active role in voicing the concerns and experiences of everyday people, and any policy which mutes what the government might hear will only harm the policy process.

I would be grateful if you could confirm unambiguously that these clauses should not in any way prevent or deter charities or other providers from publicly expressing concerns about a particular policy, including those relating to the delivery of the contract. I wonder if in the spirit of open government, you might consider how the original intention might best be achieved through a different form of words and whether these clauses themselves are necessary.

Yours sincerely,



Sir Stuart Etherington
Chief Executive