



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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### **Jonathan Slater, former Permanent Secretary at the Department for Education, amendment to Independent Consultancy**

1. You 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 amending the nature of your Independent Consultancy.
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 your time in office, alongside the information and influence you may offer your Consultancy and its future clients. 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 Consultancy for a former Crown servant in any other respect.
3. 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.

### **Consultancy**

4. You sought advice as work and potential clients you envisaged have changed since you originally sought advice on setting up your consultancy in February 2021. You originally described your Consultancy as providing '*Advisory work for local government*' - the Committee provided its advice to this previously.<sup>2</sup>

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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.

<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1052898/Final\\_Advice\\_Letter\\_-\\_JS\\_Independent\\_Consultancy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052898/Final_Advice_Letter_-_JS_Independent_Consultancy.pdf)

You advised the Committee<sup>3</sup> you wish to amend this to provide: '*Advisory work for local government, public service organisations, and international governments*'. The Committee noted this is a broadly defined area working across public and government sectors in the UK and internationally. This description relates to generic skills and experience, and does not specifically overlap with your responsibilities as the Permanent Secretary at the Department for Education.

5. The Committee did not consider this amendment to change its assessment of the propriety of your Consultancy. As before, the Committee advises that each piece of work must be assessed individually, as is usual in such cases; alongside standard conditions which prevent you from drawing on privileged information; lobbying the UK government; and advising on bids and contacts with the UK government.

### **Future commissions**

6. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission you propose to take up will depend on the specific details of each piece of work. It is the Committee's experience that applications where there is a connection between a former Crown servant's responsibilities in government and the area they are looking to work in outside government, are more likely to give rise to risks under the Rules. If you seek to provide advice on matters where you had insight or access to sensitive information in office, the conditions below may not be sufficient to mitigate the risks presented. The Committee will therefore need to carefully consider the suitability of this work, and may advise that a further waiting period is required. Where conditions and a suitable waiting period cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable<sup>4</sup> to take up within the two years the Rules apply.
7. The Committee will consider any risks on a case by case basis, when you return for advice on each commission. Where the work is for an international government, the Committee's investigations will include consulting the Foreign, Commonwealth and Development Office for advice.
8. When seeking new work and/or individual commissions under this consultancy, you should adhere to the conditions below.
9. The Committee advises, under the government's Business Appointment Rules, that your **Independent Consultancy** should be subject to the following conditions:

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<sup>3</sup> This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; and Lord Larry Whitty.

<sup>4</sup> Should an applicant subsequently take up or announce this work ACOBA will publish relevant information.

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in Crown service;
  - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government and its arms' length bodies on behalf of those you advise under your Independent Consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those you advise under your Independent Consultancy (including parent companies, subsidiaries, partners and clients);
  - for two years from your last day in Crown service you should not provide advice to any company or organisation 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 and its arms' length bodies; and
  - for two years from your last day in Crown service, before accepting any commissions for your Independent Consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.
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 your personal responsibility to understand any other rules and regulations you 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. You must inform us as soon as you take up this work, or it is announced you will do so. Once this work has been publicly announced or taken up, we will publish this letter on the Committee's website.

14. Please also inform us if you propose to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for you to make a fresh application.