



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice on accepting a part-time, paid appointment with Ark working for their international division as an adviser, having left your ministerial position in May 2015.

When considering your application regarding Ark, the Committee noted that your role will involve working in Ark's international division, aiming to improve education in the developing world. This will be a paid role, working two days per week.

The Committee took into account that you did not have any official dealings with Ark whilst in office but the charity would have been impacted by decisions the DfE took on accountability and funding. It noted that DfE funds all schools, including the Ark chain of academies. However, you did not deal with the organisation directly while in office and there is no suggestion that they were treated any differently to other academy chains.

Your former departments, the Cabinet Office and DfE, have no propriety concerns regarding this appointment. The Committee noted in particular, the views of DfE, who have confirmed that the Education Funding Agency (an executive agency, sponsored by DfE) which allocates funding to all schools, including the Ark academies, makes decisions on funding independently of Ministers. Nevertheless, given your former ministerial portfolio, the Committee considers it appropriate for there to be a clear separation between your role in the international division of Ark and its involvement in the UK schools system.

The Committee sees no reason why you should not take up this appointment, subject to the following conditions:

- That you should not draw on [disclose or use for the benefit of yourself or the organisation to which this advice refers] any privileged information available to you as a minister from your time in Government;

- you should not advise on, or otherwise involve himself in, Ark or Ark Schools' operations in the UK; and
- for two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of Ark and its international division, its subsidiaries, or its clients.

By 'privileged information' we mean official information to which a minister 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.

Also, It might be helpful if I add that the Business Appointment Rules explain that the restriction on lobbying means that former Ministers "should not engage in communication with Government – including Ministers, special advisers and officials – with a view to influencing a Government decision or policy [including applications for awards or grants] 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 be grateful if you would inform us as soon as you take up the commission, or if it is announced that you will do so, either by returning the enclosed form or 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 which have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with Ark as, depending on the circumstances, it may be necessary for you to seek fresh advice.

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.

Baroness Browning

The Rt Hon David Laws