



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee seeking advice on taking up an appointment with King's College London (KCL).

The Committee's role and remit

As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:

- 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
- an employer could make improper use of official information to which a former Minister has had access; or
- there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The application

You seek to join KCL as a President's Professional Fellow, joining the visiting faculty of the King's Policy Institute. This is a paid, part-time role involving 50% FTE. You informed the Committee that you were approached by the Vice-Chancellor for this role.

You stated that the role is likely to include contact with the Government and that the '*Policy Institute at King's College London sees itself as working to solve society's challenges with evidence and expertise. It aims to "combine the rigour of academia with the agility of a consultancy and the connectedness of a think tank"*'. Additionally, that the role will include contact with Government in that, by nature '*a Policy institute will inevitably come into contact*

with policy makers'. However you stated this will not include lobbying ministers or officials in any way.

You informed the Committee that as Universities and Science Minister in your first tenure at the Department for Education (DfE) between 2015-18, you encountered KCL frequently as you *'made a point of engaging systematically with the sector's key institutions'*; that you would meet all Russell Group institutions individually and collectively on a regular basis, including with the Vice Chancellor of KCL. You also stated you had extensive involvement in the development of policy decisions affecting tertiary education, including the passage of the Higher Education and Research Act and the creation of the Teaching Excellence Framework. Also, that you had close involvement in the design of the Office for Students, its regulatory framework, and also in the creation of UK Research and Innovation.

You stated you were unaware of any contractual or commercial relationship between the department and KCL.

The Department for Business, Energy and Industrial Strategy (BEIS) and DfE were contacted in relation to this application. DfE confirmed your only meetings with KCL, were as you mentioned, during your previous tenure between 2015-18, and that your last meeting was over 2 years ago. Also that you introduced Higher Education policy reforms between 2016-18 as you detailed above. It was also confirmed that such decisions would have impacted all Higher Education Institutes, not KCL alone. BEIS stated that the department is unaware of any potential policy which you would have been privy to relating to KCL via the department. DfE also confirmed that the department does not fund KCL directly, and the institution is funded via the Office for Students.

Neither DfE nor BEIS have any concerns about you taking up this post.

The Committee's consideration

When considering this application the Committee¹ took into consideration that you met with the Vice Chancellor of KCL during your 2015-18 tenure at DfE as part of your systematic engagement with Higher Education Institutes, and noted DfE confirmed your last Ministerial meeting was over two years ago. It also took into consideration that you made decisions on Higher Education policy between 2016 - 18 that would have affected Higher Education Institutions, including KCL. However noted DfE's comments that these would have affected all higher education institutions, not KCL alone, significantly reducing the risk you were offered the role for decisions or actions made in office.

When considering whether your appointment could provide KCL with an unfair advantage, the Committee considered that while contact with the Government in the way you have outlined would not be improper, you should not use contacts made in post to lobby the Government or officials. Also, that due to your seniority, should you advise on bids and contracts relating to the Government (such as future funding policy), this would provide an unfair advantage.

Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with King's College London be subject to the following conditions:

¹ Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. Dr Susan Liataud was unavailable.

- 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 Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of King's College London (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the UK Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage King's College London (including parent companies, subsidiaries, partners and clients). This would not prevent you from reporting to the UK Government on the activities of King's College London, or from advising the Government, if the Government has asked for such advice; and
- for two years from your last day in Ministerial office you should not undertake any work with King's College London that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK Government.

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 or otherwise.

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 interests of the organisation by which they are employed, or to whom they are employed, or to whom they are contracted or with which they hold office*".

I should be grateful if you would inform us as soon as you take up this appointment, 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 that 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 the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant next annual report.

The Baroness Browning

Rt Hon Jo Johnson