



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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1. You approached the Committee seeking advice on taking up an appointment with Dyson Institute of Technology Engineering (Institute).

The Committee's role and remit

2. 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.
3. 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.
4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The application

5. You seek to join the Institute as Council Member and Non-Executive Director, a paid part-time role.
6. The Institute is a new tertiary education institution. It offers a four year engineering programme using the degree apprenticeship model of delivery, which combines an academic course of study and work-based element of learning. Undergraduates are

paid a salary to work on live projects at Dyson whilst studying full time. The programme has been developed by Dyson engineers alongside academics at Warwick Manufacturing Group (WMG), part of the University of Warwick. It's parent company is Weybourne Partners - the family office of vacuum cleaner designer Sir James Dyson.

7. The Institute notes on its website that *'In March 2016 the Minister of State for Universities, Science and Research and Innovation, invited James Dyson to take advantage of the Higher Education Research Bill to set up an engineering programme. A programme to produce engineers who are work-ready – to inspire brave people who can get hands on with real engineering challenges, who have a passion for solving problems and a fascination for how things work. The Dyson Institute enrolled its first Undergraduates in September 2017 and there are now 116 Undergraduates across three years.'*
8. You stated that your role will be to attend 4-6 meetings of the Council a year and as all other Council members, you will:
  - Provide entrepreneurial leadership of the Institute
  - Set the Institute's strategic aims
  - Ensure necessary financial and human resources are in place for the Institute to meet its objectives
  - Review management performance
  - Develop and promote its collective vision of the Institute's purpose, culture, value and the behaviours it wishes to promote in conducting business;
  - Ensure that its obligations to its shareholders and others are understood and met.
9. You also stated the role is unlikely to include contact with the Government.
10. You informed the Committee that in your most recent ministerial roles you neither met, nor made any commercial or contractual decisions with or on the Institute while in office. Nor did you have any involvement in policy development or decisions.
11. The Department for Education (DfE) and The Department for Business, Energy and Industrial Strategy (BEIS) were contacted regarding your application. DfE and BEIS were unable to find any evidence to suggest that you had any involvement with the Institute or involvement in any relevant decisions in your latest tenure as Minister of State for Universities, Science, Research and Innovation. BEIS noted the possible overlap given your previous time in post. However, and neither department had any concerns about you taking up this role.
12. In relation to your previous tenure as Minister of State for Universities, Science, Research and Innovation, the Committee noted you had relevant involvement in regards to the Higher Education and Research Bill, sponsored by Justine Greening, the Secretary of State for Education from 2016 to 2018. This policy changed the regulatory framework in England for universities, replaced the Higher Education Funding Council for England with a new regulator, the Office for Students, and established mechanisms to hold universities more accountable for the quality of teaching and student outcomes. The Act also created a new single national strategic research body, UK Research and Innovation, bringing together the UK's numerous research funding bodies.

#### The Committee's consideration

13. The Committee<sup>1</sup> took into consideration this role will not involve contact with the Government. Although it is somewhat related to your most recent role as Minister of State for Universities, Science, Research and Innovation, the Committee noted DfE and BEIS confirmed there were no decisions or matters of relevance it should be aware of in respect of this application from your most recent time in this role. However, you were actively involved in the policy which helped the setting up of educational institutions such as the Institute, during your previous tenure as Minister of State for Universities, Science, Research and Innovation between 2016 and 2018. This was wide ranging policy that impacted the sector generally, the Committee also noted you actively encouraged Dyson to set up such an institute.
14. It is relevant that DfE nor BEIS have any concerns about your taking up this role, and there is no evidence you made decisions specific to or on behalf of the Institute or its parent company. Further, this policy dates from 2017, putting significant distance between you taking up this role now and your involvement. Overall the Committee considered the risk you made decisions or took action in office in expectation of this role as low.
15. When considering your application, the Committee noted you have had no recent involvement in relevant policy or regulatory framework. Although you had significant involvement in the Higher Education and Research Act 2017, the Committee noted the amount of time since the Bill passed, details of which are in the public domain. It is also relevant that it has been 7 months since you had access to DfE or BEIS (during your limited return to the departments) therefore the Committee agrees with BEIS and DfE that given this passage of time, it is unlikely the information which you were privy to is still relevant enough to provide an unfair advantage. As such, the risk that the Institute could gain an unfair advantage as a result of information gained from your time in office is low, in particular as you are prevented from drawing on privileged information from your time in office, which will help mitigate any remaining risk here.
16. As former Minister responsible for Universities, Research, Innovation and Science there is an inherent risk you would have developed contacts which may provide an unfair advantage to any organisation operating in the education sector. The Committee would like to bring to your attention to the below conditions which include prohibiting you from advising on a bid or contract in relation to the UK Government, and lobbying contacts you may have gained across Whitehall or within Government.
17. Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with Dyson Institute of Technology Engineering be subject to the following conditions:
- 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 or its Arms' Length Bodies on behalf of Dyson Institute of Technology Engineering (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Dyson Institute of Technology Engineering (including parent companies, subsidiaries, partners and clients); and

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

- for two years from your last day in Ministerial office you should not undertake any work with Dyson Institute of Technology Engineering (including parent companies, subsidiaries, partners and clients) 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 or its Arms' Length Bodies.
18. 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.
19. 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.*"
20. 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.
21. 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 Rt Hon Lord Pickles

The Rt Hon Jo Johnson