

*From the Chair*



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

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You asked for the Committee's advice about accepting a full time, paid appointment as Head of Public Affairs at The Open University (the OU).

The Committee noted that you had been offered the post following an application process and that you would hold the position for a year to cover a period of maternity leave. Your role would be to support the senior management of the OU in their engagement with governments, parliaments, other key organisations and individuals on matters that arise in the normal course of the OU's business.

The Committee noted that nine months have passed since you left ministerial office. It was also mindful that you are taking up a role that reflects and furthers an interest in maximising access to education, which pre-dates your ministerial role.

When considering your application, the Committee took into account that there is no link between this position and your previous ministerial duties. You had no official dealings with the OU while you were a minister and you did not have access to commercially sensitive material or to unannounced government policy that could give the OU an unfair advantage over competitors.

The Committee noted that the role will not involve lobbying of government on any matters concerning public funding of the OU or any lobbying at all of your former department, the Ministry of Justice. It was, however, aware that you would need to engage with government, principally with the Department for Business, Innovation and Skills (BIS), as the department with overall responsibility for higher education (with which you had no involvement as a minister) and that from time to time, it might be necessary for you to have contact with other departments or offices within government. Given the nature of this role the Committee would like to draw your attention to the lobbying ban below. The

Committee accepts that you may need to engage with government on educational issues but would like to emphasise that the lobbying ban applies to communications relating to the public funding of the OU including student loans.

Taking into account the specific facts in this case, the Committee sees no reason why you should not take up the 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; 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 The Open University except that in this case the Committee accepts that you may need to engage with government on educational and other issues and in the normal course of university business as opposed to issues relating to the public funding of The Open University or its students.

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 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 OU, as depending on the circumstances, it might 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 applications, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

Baroness Browning

Rt Hon Sir Simon Hughes