



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

G/8 Ground Floor, 1 Horse Guards Road, London SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://www.gov.uk/acoba>

July 2017

**BUSINESS APPOINTMENT APPLICATION: SIR DEREK JONES KCB**

The Committee has been asked to consider an application from Sir Derek Jones KCB, former Permanent Secretary of the Welsh Government, to take up an appointment as a Special Adviser at Cardiff University.

The Committee noted that this is a paid, part time role, with a time commitment of approximately 40 days per year. Sir Derek described his role as providing advice on the formation of partnerships between the University and business; to advise on any “*political/governmental backdrop*” relevant to such partnerships; identify possible partners; and, where appropriate, negotiate suitable agreements with the companies concerned.

Sir Derek is also to be made an Honorary Fellow at the University, but he stressed to the Committee that this is unpaid and a purely honorary appointment.

When considering the application, the Committee also took into account the following:

- Three months has now passed since Sir Derek’s last day in Crown service.
- Before becoming Permanent Secretary in 2012, Sir Derek worked at the University. He stated that this “*new role is in effect a part-time return to similar work, but in an advisory, rather than executive capacity.*”
- Sir Derek confirmed that during his time in Office, he attended academic events held by Cardiff University. He has also met with Colin Riordan, Vice Chancellor of Cardiff University in his role as Chair of ‘Universities Wales’ at events (Universities Wales represents the interests of universities in Wales and Mr Riordan represents them at key meetings and conferences).
- Ms Shan Morgan, Permanent Secretary of the Welsh Government confirmed that the Welsh Government oversees the operation of the Higher Education Funding Council for Wales which provides direct funding to higher education institutions. This is separate to any grant funding which the Welsh Government might also provide directly to Cardiff University.
- As Permanent Secretary, Sir Derek was most the most senior public servant in Wales and therefore has responsibility across government departments.
- Sir Derek and the Welsh Government confirmed that he had some involvement in policy discussions about Higher Education in Wales, its structure, funding and

governance generally. However, they also confirmed he has no involvement in relation to any decisions that concerned Cardiff University specifically.

- Whilst Sir Derek told the Committee that “*Cardiff University will have received mainstream funding from the Welsh Government via the Higher Education Funding Council,*” he and Shan Morgan have confirmed he was not personally involved in these decisions and is not aware of the details. He confirmed he had no involvement in the award of grants and has no commercially sensitive information that would give an unfair advantage to Cardiff University.
- Sir Derek assured the Committee that contact with Government is not a necessary part of this role.
- The University has confirmed it is aware of Sir Derek’s obligations to seek advice from the Committee on this role and will follow any conditions imposed, including the ban on lobbying the Welsh Government.
- As current Permanent Secretary at the Welsh Government, Shan Morgan, has no concerns about this appointment.

In considering what conditions would be appropriate for this application the Committee noted that Sir Derek’s role at the University will focus on advice relating to partnerships with business. It expressed some concern about the potential for perception that Sir Derek could use contacts within business that have been gained whilst he was in office. The Committee would therefore draw Sir Derek’s attention to the first condition, which would prevent any privileged or sensitive information in this respect from being exploited.

Taking into account all of the above, the Committee’s advice to the First Minister is that, in accordance with the Government’s Business Appointment Rules, the appointment should be subject to the following conditions:

- Sir Derek should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from his time in the Crown Service; and
- for two years from his last day in service, he should not become personally involved in lobbying the Welsh Government on behalf of Cardiff University, its entities, or its partners, or make use, directly or indirectly, of his contacts in Government and/or the Welsh Civil Service to influence policy or secure funding on behalf of Cardiff University, its entities, or its partners.

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.

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.

I should be grateful if you would ensure that we are informed as soon as Sir Derek takes up this position, or if it is announced that he will do so (I enclose a form for this purpose). 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, and this could lead to a false assumption being made about whether he had complied with the Rules.

I should also be grateful if you would ask that Sir Derek informs us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.

Once these appointments have 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.

Yours sincerely

**Sarah Parkington**  
Committee Secretariat