



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

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You asked for the Committee's advice about taking up an appointment with the Education Policy Institute.

The Committee's remit

It is the Committee's role to advise on any 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:

- a) 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
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) 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.

Appointment details

You wish to take up an unpaid, part-time appointment as a Trustee at the Education Policy Institute (EPI), an independent evidence based research institute, which according to its website, aims *"to raise standard in education through rigorous data analysis, research and*

*the exchange of information and knowledge to help inform the public and hold Government and decision-makers to account."*

You said your role as a Trustee will be to have oversight of the organisation. You said you do not expect to have contact with Government in this role.

You told the Committee you previously met EPI whilst a Minister (you attended EPI's launch party); and that in the course of your ministerial duties, you met with think tanks and representatives of the education sector. You noted you are aware that EPI has a relationship with your former department, the Department for Education (DfE).

You also noted you are currently the Chair of an Academy Trust - Future Academies, which is an educational charity and multi-academy trust. (Future Academies is sponsored by the social enterprise, Future, which you founded in 2006.)

Jonathan Slater, Permanent Secretary at DfE, was contacted about this application. DfE stated:

- EPI is not directly funded by DfE.
- EPI has discussions with officials on research and policy issues.
- DfE noted that as external experts, EPI occasionally attend some discussion meetings with the Department.
- EPI has a strong ex-DfE presence on its staff, leadership and advisory board.
- EPI has data a sharing agreement with DfE, to allow EPI analysts to have access to the National Pupil Database.
- it is not aware of any live research contracts between DfE and EPI and there is no evidence of formally commissioned research by EPI from DfE, yet. There may be in future through the Associate Pool. (The Associate Pool is a group of independent academics and researchers that DfE commissions to provide services including: small scale data analysis; rapid literature review; primary research; peer review; quality assurance; expert advice; and training.) EPI has three Associates currently on the Associate Pool.
- whilst a Minister, given your area of responsibility, you were involved in some policy decisions around which EPI has subsequently done work and proposed alternatives and developments.
- it does not believe you were involved in any direct funding or contractual decisions affecting EPI.
- you met with David Laws, EPI's Executive Chair, whilst in office. However this was prior to him joining EPI.
- you attended a couple of EPI events (a keynote speech, and EPI's first birthday celebrations).
- you did have some contact with similar organisations, in that you had private meetings with Civitas and Centre for Policy Studies; and attended a Centre for Social Justice Awards ceremony and a Policy Exchange Summer reception.
- it does not believe you have access to any commercially sensitive information.
- the Permanent Secretary raised no concerns about you taking up this appointment.

#### The Committee's consideration

The Committee recognised this appointment is directly related to your policy responsibilities whilst in office. DfE confirmed you would have been involved in some policy decisions in areas which EPI has done research and subsequently proposed alternatives and

developments. Whilst there is a relationship between DfE and EPI, it is not unusual for a department to have a relationship with an organisation operating in research. DfE described a relationship along these lines - that EPI is occasionally involved in discussions on research and policy issues; that DfE has a data sharing agreement to allow EPI staff to have access to the National Pupil Database; and that DfE may commission research from EPI (through its Associate Pool) in the future - although it is not aware of any previous or live research contracts with EPI. DfE also noted that EPI has a strong ex-DfE presence on its staff, leadership and advisory board.

DfE told the Committee it does not believe you were involved in any direct funding or contractual decisions affecting EPI; and confirmed that whilst you met with EPI's Executive Chair while in office, this was before Mr Laws had joined EPI. The Department has no concerns about this appointment; and the Committee noted your interest in education involvement with various educational institutions. Taking into account the circumstances, and that this is an unpaid role for a research institute, the Committee considered the risk this appointment could be seen to be a reward is low.

DfE stated it is not aware that you have access to any commercially sensitive information; and the Committee considered it was relevant that approximately 10 months have passed since you left DfE. It is therefore more likely that any information to which you may have been privy, is no longer relevant or is already in the public domain.

The Committee also took into account that whilst you do not expect to have contact with Government in your role at EPI, there is an ongoing relationship between DfE and EPI to share knowledge and information. The Committee noted that EPI is a research institute with an aim to improve education standards through data analysis, and therefore considered that it would not be improper for you to have contact with DfE to share knowledge and information, if Government requested this. However, the Committee considers it important to mitigate the risk you could improperly influence DfE, in relation to government policy, funding agreements, or awarding of contracts for research. As such, the Committee would draw your attention to the conditions below, which make clear that any use of your contacts across Government, to the unfair advantage of EPI, would be inappropriate.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in ministerial office; 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 Education Policy Institute or its partners, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business on behalf of the Education Policy Institute 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."*

The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Lords.

I should be grateful if you would inform us as soon as you take up this role, 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 Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

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

The Baroness Browning

The Lord Nash